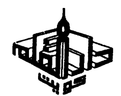
Woman
as Islam wants her to be

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Ph.D. in Islamic Studies



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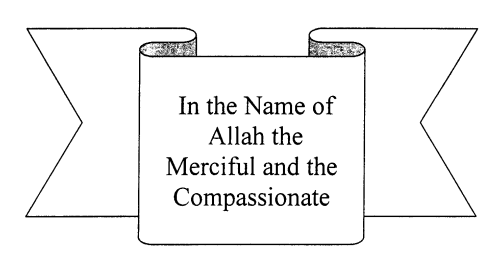
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Woman

as Islam wants her to be




In the Name of
Allah the
Merciful and the
Compassionate

Allah let us see the truthful as truth and let us follow it.

Allah let see the untrue as false and let us avoid it.

Dedication

To all people,
As Islam is revealed for man
at all times and everywhere.



Acknowledgements

To my husband who was so generous to me for 49 years. He .gave me a great deal of his time, effort and money. To him goes my deep gratitude and indebtedness because without .his help the completion of this book would not be possible. May Allah reward him as he truly deserves.

To my daughter Wafa' who combines both Islamic and western culture and who has provided me with much material which was of help to me in this Book.

To my son Hany whose love and loyalty to the University of Wales from which he graduated has prompted me to submit the [*] research to a university in Wales. He has spared no effort to assist me in this Work.

To my son Ayman whose academic excellence was and still is a source of joy to me and which encouraged me to write this book satisfactory, as in Allah's saying[1]: "***Well pleased and well pleasing***" He provided me with the scientific and medical material which is needed for this book.

May they all become among those whom Allah describes as [2]: "***those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong***".

(*) It was submitted to the Islamic Studies Center, Lampeter university.
(1) Al-Fajr, verse 28
(2) Al-Hajj, verse 41



Introduction

Islamic jurisprudence was characterized by a human and just inclination when it granted women, without revolution on their part, their full rights. Islam voluntarily gave women their rights in one go. It has determined the principle of equality in word and text, so that everything would be glaring clear. And consequently, by means of a divine approach, the woman is granted her rights and status. This is contradictory to what was and still is taking place by most women of the world who only obtained their rights through revolutions, conspiracies and agitations and who were and still are black-mailing their rights by piece-meal.

The most significant thing about the status of women in Islam is the fact that they have attained this status without having asked for it. Nor had the society pleaded on their behalf. On the contrary, the honourable treatment they have been guaranteed by Islam has been dictated to the society, men and women alike. The Islamic commandments prescribing how women are to be treated had been unprecedented in all human history.

In other words, the rights of women are a gift from Allah and not a gift from mortals. It follows that mortals cannot take back or interfere with what they have not given. Allah has even given women a number of exclusive rights and duties which serve to give them a special standing in the family and in social life. This has been quite a departure from the oppression and disrespect they had been subjected to before Islam, Women had been maltreated, purchased like commodity, used by men as a means of physical pleasure, and denied all kinds of freedom.

A woman, in Islam, has full legal competence. She is fully accountable for her deeds. This is an honour that Allah has bestowed upon women, who, by implication, have free will (see Suras: Al-Imran, verse 195, Al-Nahl, verse 97 and Ghafer, verse 40).

Women should have a good understanding of Islam to be able to silence proponents of erroneous extremist notions about Islam

and to be fully aware of the role they should have within the family and in public life.

Women cannot realize how honourable their status in Islam is, without studying the origins of Islamic jurisprudence. This would be the only way for them. Women need to be knowledgeable of what rights and duties Islam has prescribed for them.

Islam is not to blame for whatever harms women; the blame should go to those who come forward to speak on behalf of Islam. Many things that have nothing to do with the true Islam have been attributed to it. Many judgments and attitudes concerning women have unjustifiably been said to be based on the tenets of Islam.

Such faulty judgments and misinterpretations have resulted in part from non-Islamic notions that have crept into the minds of some Muslims. Women, however, can protect the status Islam has granted them, by standing against those who are trying to undermine it.

Thus, a woman who knows little about the essence of Islam will be inevitably led to blind imitation which will make her drift from the easy Islamic concepts and will be influenced by alien thought.

The flaw is not in Islam but in those who talk in its name. The fact is that up till now not a single letter has been changed in verses of the Quran. But many issues and views have been ascribed to Islam to which it has no relation whatsoever.

But that was only an inevitable result of the intrusion of foreign thought upon the principles of the orthodox Islamic religion. Moreover, the absence of an enlightened Islamic awareness has helped associate misconceptions with Islam.

Therefore, it is incumbent upon woman to:

First: be well informed of her religion by referring to its original sources.

Second: realize that the criterion for preference among human

beings is piety and good deeds. "***And for This let those aspire, who have aspirations***" (Motaffifeen, verse 26).

Third: play her role as one-half of humanity. The woman has carried with the man shoulder -to- Shoulder the trust of inhabiting and constructing the universe. So she has to share this responsibility.

The first four chapters are devoted to the first item. The fifth chapter is devoted to the second item while the sixth chapter is concerned with the third item.





Part I

Women And Islamic Teachings



CHAPTER ONE

EQUALITY BETWEEN MEN AND WOMEN



CHAPTER ONE

EQUALITY BETWEEN MEN AND WOMEN

The writer will discuss equality between men and women according to Islam in matters of piety, mind and wisdom, human brotherhood and religious, economic and social competence.

A. Piety, Sanity and Wisdom.

Allah the Almighty says: ***"O Mankind! We created you from a single (pair) of a male and a female and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you".*** (Surat Al-Hujrat, verse 13).

This is a straightforward text related to preference of man and woman in Islam. It has nothing to do with masculinity or femininity; for preference in Islam is based on piety ***"Verily the most honoured of you in the sight of Allah is the most righteous of you"***. This means that good deeds are the criteria which differentiate one man from another, one woman from another or a man from a woman. It is explicit equality among all human beings.

The Sunna (as well) confirms and explains this notion. The Prophet (P.B.U.H.) says: ***"There is no superiority for an Arab over a non-Arab neither for a white man over a black man except the superiority gained through piety"*** [(2)].

Allah also says: ***"He granteth wisdom to whom He pleaseth; and he to whom wisdom is granted receiveth indeed a benefit overwhelming."*** (Surat: Al-Baqarah, verse 269).

This means that Allah grants wisdom to whomever He wills out of His subjects whether it be male or female. The phrase 'whomever He wills' is absolute. Also in this respect, the narratives of the Quran give us examples. The Quran cites the story of Belqis, Quran of Sheba in the verses from 22 to 44 from surat Al-Naml.

In this story we have a glimpse of capability and wisdom of Belqis. She received a message from Solomon inviting her to believe in Allah. So she summoned her people and leaders of her army to break the news contained in the message to them. She said: ***"Ye chiefs! Advice me in (this) my affair. No affair have I decided except in your presence."*** This is the image of a successful leader who applies the principles of Shura, i.e. democracy in its modern sense.

The people said: ***"we are induced with strength, and given to vehement war: but he command is with thee; so consider what thou wilt command."*** Their words bear an inclination to use force in reply to Solomon. But she waited and was wiser and more far-sighted than them when she explained to her people the consequences of war and its devastating nature. She thus suggested to send Solomon a precious gift to test his aims and know his reality.

She said: ***"Kings, when they enter a country, despoil it, and make the noblest of its people its meanest, thus do they behave. But I am going to send him a present, and (wait) to see with what (answer) return (my) ambassador."*** (Surat: Al-Naml, verse 34-35). But Solomon turned down the ambassador and rejected the present. He threatened to wage war against Sheba with mighty armies difficult to resist. The queen with her insight realized that Solomon is Allah's messenger and so it is not wise to confront him. She also found no wisdom in pushing her forces into the battlefield in defense of the wrong.

She then decided to go to Solomon in the company of her men of state and she ended up believing in the faith of Allah

full of assurance and said: ***"O my Lord! I have indeed wronged my soul, I do (now) submit (in Islam) with Solomon, to the Lord of the Worlds"*** (Surat: Al-Naml, verse 44).

The woman was thus able to benefit her people, and preserve her country thanks to the wisdom and insight with which she was gifted [(3)].

Islamic history also tells us of the role of Umm Salama- the prophet's wife-in Hudaibia treaty [(4)]. The prophet (P.B.U.H) came to her and said: ***"Muslims will perish. I ordered them to take off their Ihram dress, but they did not obey me"***. She said, ***"Excuse them Messenger of Allah, for you have done a good job to conclude the treaty and your companions will go back without performing pilgrimage or return to Mecca. That is the reason why they are grieved. I think you should go out without even looking at them and begin what you wish. When they see you do so, they will follow suit. They will Know for sure that the matter is inevitable and unavoidable, especially they believe in you and love you."***

The Prophet was pleased with what he heard and rested assured about Umm-Salama's advice. He immediately had a sheep sacrificed and had his hair cut. No sooner had the Muslims seen their Prophet slaughter the sheep and had his hair cut than they started to do the same. Then they returned to Al-Madina.

But for the wisdom and sound judgment of Umm-Salama, the Muslims would have come to dissension and Hudaibia Treaty, which was a prelude for entering Mecca, would have never taken place.

According to Qartobi [(5)]: ***"The distinguishing factor for determining the right is reason which is the uppermost requirement for religious obligation (Takleef). By reason Allah is known, His words are understood and leading to His bliss and belief in his Prophets".***

B. Human and Sanguinity Brotherhood.

Allah the Almighty says: ***"We have honoured the sons of Adam."*** (Surat Al-Isra's, verse 70). One of Allah's blisses is that he honoured man when He created him in a good shape. Allah says, ***"We have indeed created man in the best of moulds."*** (Surat Al-Teen, verse 4). He also says, ***"And has given you shape-and made your shaped beautiful ..."*** (Surat Ghafer, verse 64). Giving man the bliss of reasoning, Allah has honoured man over all creatures. Another of his bounties is that He made man His vice gerent (successor) on earth.

Almighty says: ***"I will create a vicegerent on earth."*** (Surat Al-Baqarah, verse 30). To honour the offspring of Adam, Allah commanded the angles, His closest worshippers, to kneel down to Adam. And they all did except for Iblis (Satan) whom Allah banished from paradise because of Adam. The kneeling down of the purged angles is an honour to man. What more honour could be bestowed on man? For Allah has breathed into him something of His soul to populate the earth. He has placed under man's disposal all that is in heavens and on earth to emphasize such honourification.

When Allah said: ***"We have honoured the sons of Adam"***, he meant men and women. He did not say we honoured men or males. He did not distinguish men from women because they are all the offspring of Adam. All the same, there is no difference between the ruler and the ruled as they are equal in humanity. Being the offspring of Adam, Allah has made them equal in shape and mind. The only difference is in sex, which Allah has made for the sake of reproduction and inhabitation of the universe. Allah the Almighty says: ***"O Mankind! We created you from a single (pair) of a male and a female"*** (Surat Al-Hujurat, verse 13).

Allah addressed all by the word ***"mankind"*** making it clear that He created them from the same mother and the same father: ***"We created you from a single (pair) of a male and a***

female". Lexically, the word ***"mankind"*** is inclusive of all human beings: men and women. By this he determines blood brotherhood of men and women, for He created them of a male and female and thus all are brothers and sisters.

The Prophet (P.B.U.H) confirms this truth when he says ***"Women are but parts of men"*** (6). Such blood brotherhood makes equality necessary. Neither a sister nor a brother should be favoured as to his or her relation of their parents. The female is thus equal to the male in being related to the parents. Islam has thus determined the sameness of the human race in origin and destiny and in rights as well as obligations before Allah in this life and the Hereafter. There is no superiority of a race over another except by piety, as the Prophet (P.B.U.H) says, ***"People are equal like the teeth of a comb."*** Under the banner of Islam, no one is better than the other or a race better than another; they are all the same; they all come from Adam who was created from dust.

Allah says, ***"O mankind! Reverence your Guardian lord who created you from a single person, created of the like nature, his mate, and from them twain scattered (like seeds) countless men and women."***

This clear understanding of the Quranic text, ***"... created you from one person and created from it his mate"*** is confirmed by the fact that the Holy Quran does not use the terms wife and wives for women as antonyms of husband and husbands for men. It rather uses the word ***"couple"*** to indicate both husband and wife. (Zawj and azwaj are used for married males and females with the right feminine and masculine pronouns).

The word "Zawj" is particularly used for both sexes as an indication of their being two parts of the same person. In other words, The word "Zawj" in Arabic, brief as it is, is fully indicative of an absolute sense of equality between man and women. The word "Zawj" means two identical halves, both

making a couple. This is all evidenced by three sentences.

The first sentence: ***"O mankind! Reverence your guardian lord"*** Allah almighty addresses all here by the word "Mankind", telling them to be Allah-fearing. Such fear or piety is related to spiritual qualities that have nothing to do whatsoever with humanly flesh and blood ties. So, if mankind is called upon to fear Allah then the call is addressed to them in their human capacity. This human characteristic makes mankind distinct from all other creatures on earth. Since the woman, together with the man, combine to give the word "mankind" its meaning, then she is also called upon to be Allah-fearing. She is addressed in her human capacity.

The second sentence: The phrase, ***"...created you from one person",*** bears a more clear and emphatic implication to spiritual relation compared to the physical brotherly tie which involves two persons. This is so since the word "annafs" lexically means the spirit or the soul, with an indication not restricted to the physical appearance of the person but to his abstract qualities as well [(7)].

The third sentence: the phrase ***"...created of like nature, his mate",*** emphasizes with the two preceding phrases, the unity of the human sense. The 2nd phrase attributes all to the same soul i.e. of Adam. But this phrase is singled out for attributing the wife -Eve mother of all- to the same spiritual origin to which her offspring were related. The children then and their mother are included in the human evaluation derived from the traits of this one soul.

In Surat al-A'Araf, verse 189, Allah says: ***"it is he who crested you from a single person and made his mate of like nature, in order that he might dwell with her (in love)."*** This verse states that the man and the woman, being a couple, the one complements the other. They are, accordingly, on equl-footing regarding human life. It is merely that each has a reproductive function that differs from the other.

Al-Mawdoodi says: [8] (Man and women are like as to their humanity. They are two equal parts of the human kind. They are equally partners in populating the universe, establishing civilization and serving humanity, each in his specialization).

Both sexes are granted the heart, the brains, the mind, passions, desires and human need. Each is in need of cultivating the soul and inculcating the mind, educating the brain and developing the intellect for the sake of the development and prosperity of civilization so that each would carry out his her share of serving life and civilization.

Equality in these aspects is perfectly right and it is the duty of every proper civilization to take care of women the way it does with men to provide them with opportunities for promotion and progress consistent with their talents and innate capabilities.

The book of Allah has laid down specific rules governing equality among human beings to protect them against disequilibrium of scales and chaotic criteria. There is no such thing as ***"men and woman are not equal"*** in the Quran. Equality in the book is governed by each individual's human responsibility and ensuring obligations. And so the good and the evil are not the same neither is the libertine and the pious nor the going astray and the rightly-guided nor the miser and the generous exactly as light and darkness never meet.

Islam has abolished what others claimed about the woman not being a human. Islam has made her on equal footing with man and made them equal in humanity. It indicated that woman is from man and man from woman, as Allah says: ***"And their lord hath accepted of them, and answered them: never will I suffer to be lost the work of any of you, be he male or female; ye are members, one of another..."*** (Surat: Al-Imran, verse 195). The Quran was then keen to make man and woman equal in origin and humanity and decided that the difference is only determined by their deeds and how much better each carries out his work.

C. Religious Competence.

Regarding the woman's competence to carry out religious obligation, the researcher has previously said that the woman is addressed in this respect in her human capacity i.e. as a human being she is spiritually and mentally qualified for such a duty just like the man. This concept is confirmed by the fact that Allah addressed Eve together with adam giving them his commands and prohibitions. When Allah ordered Adam to dwell in paradise and forbade him to eat from the tree, he addressed them both, ***"We said: O Adam! Dwell thou and thy wife in the Garen; and eat of the bountiful things therein as (where and when) ye will; but approach not this tree"***. (Surat: Al-Baqarah, verse 35). When Allah condemned their disobedience, he condemned them both, ***"Did I not forbid you that tree, and tellyou that Satan was an avowed enemy unto you?"*** (Surat: Al-A'araf, verse 22).

This sort of address is but to make Eve, who was shown virtue and vice and given a discriminating mind, feel that she is to blame as Adam is.

Islam assigned the women with religious duties and commands (in Surat Al-Mumtahana, verse 10), ***"O ye who believe! When there come to you believing women refugees, examine (and test) them: Allah knows best as to their faith…"***. It was called Mumtahana i.e. the examined woman because in it believers are being obliged to test the faith of women who immigrated from the land of war to that of peace. They should declare their Islam and embrace the faith of Allah, determined not to disbelieve in Him and not to breach the rules of Islam.

Omar Ibn Al-Khatab –the Second Caliph- used to make immigrant women swear "By Allah I did not leave one land desiring another, By Allah I did not leave out of hatred for my husband. By Allah I did not leave seeking worldly gains. By Allah I left merely in love of Allah and his messenger"[9]. This

verse emphasizes the woman's equality to man in her religious capacity. She is fully independent and each shoulders his/her responsibility before Allah as no person avails another.

Perhaps Allah's command to Prophet (P.B.U.H.) to make woman take a special pledge when accepting Islam is a proof of their independence. Allah Almighty says: ***"O Prophet! When believing women come to three to take the oath of fealty to thee, that they will not associate in warship any other thing whatever with Allah, that they will not steal, that they will not commit adultery (or fornication), that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey thee in any just matter; then do thou receive their fealty and pray to Allah for the forgiveness (of their sins): for Allah is Oft-Forgiving, Most Merciful."*** (Surat: Al-Mumtahina, verse 12). "This verse is extremely meaningful; it validates the woman's personality and separate entity without having to be on the trail of men. It validates her equality to man and determines her competence for that"(10).

According to Sheikh Shaltoot, "You may deduce from the women's separate pledge before the Prophet that Islam considers women self-responsible independently from men"(11). Each woman then embraces Islam separately in a way different from her husband or father.

Narratives of Quran always set examples for people. In the story of Asia, the Pharaoh's wife one finds that she believed in the Allah of Moses and sacrificed glory, position and luxury in exchange of Allah's rewards. She relinquished the pharaoh's Kingdom and loathed his injustice and wrong doing. Allah Almighty says: ***"And Allah as sets forth as an example to those who believe the wife of Pharaoh. Behold she said: O my lord! Build for me, in nearness to thee, a mansion in the garden, and save me from pharaoh and his doings, and save me from those that do wrong"*** (Surat: Al-Tahrim, verse 11).

Allah has made of Asia an example of sacrifice and made her an example to be followed by men and women alike.

Being granted an independent responsibility, women are consequently subject to the same degree of reward and punishment scale of men in the hereafter. Each is judged depending on his or her good or bad deeds. Allah says, ***"If any do deeds of righteousness, Be they male or female, and have faith, they will enter Heaven, and not the least injustice will be done to them."*** (Surat: Al-Nisaa, verse 124). Allah the Almighty also says, ***"Allah hath promised to believers, men and women, Gardens under which rivers flow to dwell therein, and beautiful mansions in gardens of everlasting bliss. But the greatest bliss is the good pleasure of Allah: that is the supreme felicity."*** (Surat: Al-Tauba, verse 72). He moreover says, ***"Allah hath promised the hypocrites, men and women, and the rejecters of faith, the fire of Hell: therein shall they dwell, sufficient is it for them; for them is the curse of Allah, and an enduring punishment. "*** (Surat: Al-Tauba, verse 68). Allah further says, ***"With the result that Allah has to punish the Hypocrites, men and women, and the unbelievers, men and women, and Allah turns in Mercy to the Believers, men and women: for Allah is Oft-Forgiving, Most Merciful"*** (Surat: Al-Ahzab, verse 73).

These verses explain that the one being, a man or woman, could be a hypocrite, a disbeliever, and a believer. Any address in these verses is directed to men and women alike. Allah has indicated the reason for such equality when he said, ***"ye are members one of another"***. For the man is born by a woman and the woman is born from a man. As far as humanity is concerned they are the same.

Then comes Allah's saying, ***"And their Lord hath accepted of them, and answered them: Never will I suffer to be lost the work of any of you, be he a male or female; ye are members, one of another: Those who have left their homes or been driven out there from or suffered harm in My cause, or fought or been slain, verily, I will blot out from them their***

iniquities and admit them into Gardens, with rivers flowing beneath..." (Surat: Al-Imran, verse 195). This verse includes both migrating men and women, dealing with the harm to which they were exposed and the battles in which they took part for the cause of Allah. Women in the early days of Islam endured the hardships of immigrating to Ethiopia (Abyssinia) and then to Madina as well as oppression and offense for the sake of her faith.

Women have all the reason to pride themselves. For Omar Bin Khattab, the Second Caliph, and the most famous for administering justice, launching Islamic conquests and for being a genius in administration and government, was talked into Islam by a woman who held on her faith unfearing his tyranny. That woman was his sister Fatema who was married to his cousin Said Ben Zied.

It is also historically Known that the first Muslim martyr was a woman. Sumaiyah Um Ammar who died before her husband while being tortured to go back on Islam. But they both refused to do so preferring death to apostasy.

The woman could also join in battles if necessary, It is narrated by Omar Bin Khattab that the prophet (P.B.U.H) said, "Whenever, I turned right or left in the Battle of Uhud, 1 saw Um salit fighting for me" (12). Moreover Arubay Bint Mu'with used in this same battle to give water to the injured and transfer the dead to Al-Madina together with other women (13).

It is quite sufficient to discern a magnificent scene of the Doom's Day, when equality between the two parts of humanity is crowned following their journey of earth. Allah says, ***"One day shalt thou see the believing men and the believing women, how their light runs forward before them and by their right hands: (their greeting will be): Good news for you this day! Gardens beneath which flow rivers, to dwell therein for aye! This is indeed the highest achievement!"*** (Surat: Al-Hadid, verse 12), i.e. "their faith and good deeds run between their hands and in their faith their deeds are registered (14).

Allah was gracious to His subjects when He created the male and female. In His book, the male is sometimes mentioned before the female while in other times it is vice versa as in Allah saying, ***"He (Allah) bestows (children) females or males, according to His will (and plan), or He bestows both males and females.. "*** (Surat: Al-Shura, verse 49 and 50).

Allah has singled out certain women as he has done with certain men. He says,, ***"Allah did choose Adam and Noah, the family of Abraham and the family of lmran above all people".*** (Surat: Al-Imran, verse 33). He also says, ***"Behold ! The angels said: 'O Mary! Allah hath chosen thee and purified thee-chosen thee above the women of all nations"*** (Surat: Al-Imran, verse 42).

The Quran has revealed to us that Allah accepts from the woman any religious performances as He does with men. In this respect He relates to us the story of the wife of Imran: ***"Behold! A woman of 'Imran' said: "O my Lord! I do dedicate unto thee what is in my womb for thy special service; so accept this of me; for thou hearest and knowest all things"... "Right graciously did her Lord accept her..."*** (Surat: Al-Imran, verse 35 and 37).

The Quran also shows us that prophet Zakariya was virgin Mary's guardian, as Allah says, ***"He made her (Virgin Mary) grow in purity and beauty; to the care of Zakariya was she assigned. Every time he entered (her) chamber to see her, he found her supplied with sustenance, He said: 'O Mary! Whence (comes) this*** to ***you? She said: From Allah: for Allah provides sustenance to whom he pleases without measure".***

Her words about sustenance whose source he did not know, made him realize that Allah's givings are a gift that cannot be explained. For Allah grants whenever he wishes and prevents whenever he wishes. Seeing and listening to her, he was urged to pray to Allah to be granted good offspring, despite his old age and his wife being sterile. Allah says, ***"There did Zakariya pray to his Lord, saying: 'O my Lord!***

Grant unto me from thee a progeny that is pure: for thou art he that heareth prayer! While he was standing in prayer in the chamber, the angels called unto him: Allah doth give thee glad tidings of Yahya' witnessing the truth of a word from Allah, and (be besides) noble, chaste and a prophet...." (Surat: Al-Imran, verse 38 and 39).

Thus, Yahya (P.B.U.H) was the outcome of Zakariya's praying inspired by Mary [15].

The Quran therefore shows that the woman was an example to be followed by the man and he was not an ordinary man. He was the messenger of Allah.

Allah also inspired women as he inspired men. Allah inspired Moses' mother, as Allah says, ***"So we sent this inspiration to the mother of Moses: "suckle (thy child), but when thou hast fears about him cast him into the river, but fear not nor grieve, for we shall restore him to thee, and we shall make him one of our messenger"***. (Surat: Al-Qasas, verse 7). She was certain that she was inspired by Allah. So she was rest assured to receive his promise and good news. And she was a woman.

Allah has also associated women to men ten times in one verse, as Allah says: ***"For Muslim men and women, for believing men and women, for devout men women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward"***. (Surat: Al-Ahzab, verse 35). Also in verse 36 of the same surat, Allah says? ***"It is not fitting for a believer, man or woman, when a matter has been decided by Allah and His Messenger, to have any option about their decision..."***. He made the he and she believers equal in the obedience of Allah.

These texts and many others indicate that the woman is assigned with the same religious obligations of the man. In other words she is equal to man in religious competence. Since she is assigned with the same duties; fairness and wisdom dictate an equal reward for their deeds.

D. Economic Competence.

By competence, the writer means economic dealings with respect to woman's right to ownership, selling, donation, writing a will...etc. The writer's previous statement about the woman's intellectual abilities and spiritual gifts entitles the woman to handle other financial matters. Her financial capacity is validated by being equal to man in shouldering religious responsibilities which Allah expressed by saying, ***"we did indeed offer the trust to the heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof; but man (human being) undertook it; he was indeed unjust and foolish"*** (Surat: Al-Ahzab, verse 72). Here the word, 'man' is collective meaning male and female. Allah Almighty says. ***"make trial of orphans until they reach the age of marriage, if then ye find sound judgment in them, release their property to them.,,"*** (Surat: Al-Nisaa, verse 6). Once the female has reached puberty and has shown signs of sound judgment she is no longer under guardianship whether a father or another and is given free hand to handle her financial affairs. The verse generalizes the rule -Guardianship is lifted from the young (whether male or female) when he/she becomes of age.

Islam does not differentiate between male and female in paying them money and in ownership.

Tracing the verses of the Quran, one will find multiple aspects of economic management allowed to women:

1. The Quran acknowledged her right to ownership through inheritance as her prerogative, after being deprived of this right. This is stated in, ***"From what is left by parents and***

those nearest related, there is a share for men and a share for women, whether the property be small or large -a determinate share" (Surat: Al-Nisaa, Verse 7). The woman then started to inherit her father, brother, son and husband and other relatives.

2- She had also no right to the dowry given by her husband: it was the right to her father or brother. This was the logic of the situation in pre-Islam, which denied her right to ownership or inheritance. Islam granted her exclusively the right to the dowry and did not give that right to her father or guardian. Allah Almighty says, ***"And give the women (on marriage) their dower as a free gift."*** (Surat: Al-Nisaa. verse 4).He illustrated her right to handle her dowry saying in the same verse, ***"But if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer".*** The meanings conveyed in this verse are:

- The dowry is hers while the guardian has no right to it.
- The husband has to grant her the dowry willingly.
- She is allowed to donate the dowry to her husband and he is allowed to accept it as Allah says: ***"...with right good cheer".***

Ibn Hazm says: "It is inadmissible that the woman be forced to provide her trousseau or furniture neither from her money nor her dowry. The dowry is all hers; She is free to do whatever she wishes without seeking her husband's permission and he has no right to object.

The father of the virgin - be she young, old or previously married- or any of her other relatives have nothing to do with the dowry of the daughter or relative. None of these are allowed to grant the dowry or part of it to the husband or to anyone else. If they do, the deed is invalid and the money should be returned. She has the right to grant her dowry or part of it to whomever she wishes, and neither the father nor the husband has the right to object" (16).

Islam acknowledged the woman a share of her earnings similar to man. It is natural that earning money brings about ownership and consequently the possibility of managing that property. In this respect, Allah says, ***"... To men is allotted what they earn, and to women what they earn..."***. (Surat: Al-Nisaa, verse 32). She has the right to own farms, houses and all other forms of money through legal ownership. She has the right to trade and to all other allowed profitable activities. She may be a warrantor or a warrantee. She may give away donations; she may will her wealth to whomever she likes other than her heirs. She may do so and alike matters by herself or by authorization of her own accord (17). She may also make a will, donate and give charity out of her money. The prophet (P.B.U.H) used to ask women to give out charity. Ibn Abbas narrates that on the day of the feast (Lesser Bairam). The prophet (P.B.U.H) went out to pray then he gave the feast speech following which he went to women and ordered them to give out charity (18).

Besides, Islam has not discriminated between men and woman in financial rights, except in inheritance for reason; which the writer will deal with later. As to money earned, there is no difference. This applies to profits of trade, land returns and wages. In some world countries, the matter is different as women are paid less than men.

In **Woman of the World 1970-90. Tendencies and Statistics,** issued by the United Nations with an introduction by the ex-U.N. Secretary General "Peres du Cuiller'", it was revealed that women are paid 30 to 40 % less than men for the same kind of work (19).

Equality in wages is a principle established by Islam long ago, because financial rights are subject to an equality criterion in reward and penalty. Allah Almighty says, ***"... nor withhold from the people the things thai are their due..."*** (Surat: Al-A'raf, verse 85).

Islam does not take difference of sex as a basis for evaluating the same thing. Despite these financial rights granted to women by Islam, and however rich the wife might be, the husband has to support his wife regardless of his financial and living standard. Islam has given all this to the woman in honour and recognition rather than in fulfillment of an economic necessity. This principle is initiated by a sense of eternal truth and justice, which is applied in real fact not in the Utopia of ideals and dreams.

"In France, for instance, the woman is still tied down by her husband's approval with respect to certain financial matters in compliance with Article 1426 of the French Civil Law. In Belgium, the woman's freedom in handling her money is still restricted by her husband's permission. According to the Belgian law, the husband may grant his wife a permit whether general, permanent or for a limited period, for all or some dealings. Yet the husband's right to withdraw the permission still remains. The woman's capacity in financial dealings is one that is subject to the control and supervision of the husband" [(20)].

E. Social Competence.

Allah has given women the right to take part in public social life. Allah says, ***"The Believers, men and woman, are protectors one of another; they enjoin what is just, and forbid what is evil".*** (Surat: Al-Tauba, verse 71). This verse can be analyzed to illustrate how it deals with all life affairs. The phrase ***"Believing men and women are protectors of one anther"*** shows that belief is the personal characteristic, underlining the personality of each individual - be he man or woman. Loyalty among men and women believers is allegiance to the values of the belief. His saying: ***"enjoin the right and forbid the evil"*** illustrates that in Islam the formation of a good society is a trust in the hands of every enlightened believer (man or woman). Neither the man nor the woman is

exempted from this responsibility because Islam considers the human quality rather than masculinity or femininity. It is an acknowledgment of the woman's right in the structure of the society and a consolidation of her status [21].

Islam is a message and a concept: a message to all Mankind. The first verse revealed to Mohamed in the Book of Allah was an invitation to reading, learning and teaching. Allah says, ***"Proclaim! (or Read!) In the name of thy lord and Cherisher, who created..."*** (Surat: Al-Alaq. verse 1).

Women have shared with men the process of learning in the light of Islam. Some of them narrated the prophet's sayings which were in turn reiterated by men. Others were writers poetesses and compilers of various sciences and arts. They used to teach their girl slaves and female singers as if they were teaching their own daughters. Muslim ulamas have made a consensus that men and women are alike in their responsibility to carry out all duties enjoined by Allah. The exception to this is only in matters related to the female nature of the woman such as cleanliness, delivery and nursing children as well as taking part in wars and so on [22].

Texts of the Quran and Suuna urge Muslims to pursue knowledge indicating the superiority of scholars. Allah the Almighty says, ***"...Are those equal, those who know and those who do not know?..."*** (Surat: Al-Zumar, verse 9). He also says, ***"There is no god but he: that is the witness of Allah, his angels and those endued with knowledge..."*** (Surat: Al-Imran, verse 18). He started with Himself, then the angels, then those who are versed in religious sciences.

The Quran urged the prophet's wives to learn the Quran and Sunna then teach them to others, thus contributing to the spread of Islam as Allah says, ***"And recite what is rehearsed to you in your homes, of the signs of Allah and His wisdom..."***. (Surat: Al-Ahzab. verse 34). Bukhari reported that Aisha said" ***"The best women are those of Anssar their shyness did not prevent them from going deep into religion"*** [23].

"So whoever claims that the education of Muslim women is a product of western civilization is unfair. And whoever claims that the Muslim woman has no effective influence throughout her long history is also unfair" [24].

Bukhari reported that Abi Said Al-Khedri said, "The women told the prophet (P.B.U.H), the men had taken you from us. So allow us a day of your time. He promised them a day in which he preached and guided them" [25].

If men were left to their nature they would never grant women their due right in such matters. But these women were forewarned and were not hand -or- tongue-tied. They claimed their right in an equal time with the prophet as legislation itself placed everything in its proper place and gave everyone his/her due right.

Ahmed and Ibn Shaiba reported that Abi Malek Al-Ashari said, "O! Asharis. gather and bring your wives and children so that I would show you the way the prophet used to pray. They gathered with their wives and children then he performed his ablution and showed them how he did it. He then lined up the men in the front row followed by the young boys then women in the last row.

The writer would like to explain the reason why women stand in the back lines:

1- This, by no means, underrates woman. But it is related to the special code governing mass prayer.

2- The order of line arrangement in the prayers has nothing to do with the importance of the individuals. For men stand in the front line foot-to-foot and shoulder-to-shoulder like a solid structure with no difference between rich and poor, white and black.

3- The woman should not be so close to man since the nature of praying makes it a necessity.

4- Because the prayer is a state of supplication, it is necessary to

dismiss anything that would prevent its humble performance and avoid anything that would distract the attention from what they say and what they hear from the Imam.

5- The Muslim's prayer includes many movements standing, prostration and sitting. It is not confined to hymns like prayers in other religions. So if the woman stood in front of the man some parts of her body may show while kneeling or prostrating. The mass may lay eyes on her or she may be perplexed and both would be distracted from the prayer. The purpose of the prayer would then be missed.

Anyhow, anyone familiar with the Muslim prayer and their objective would promptly realize the wisdom behind such arrangement.

Asma Bint Yazis Al-Anssariya said she went to the prophet (P.B.U.H) while he was among his companions and said, "May my father and mother be sacrificed by you. I am delegated by the women. Allah the exalted has sent you to all men and women. We believed in you and your Allah. The women kind are confined to their homes bringing up children. You men are favoured for performing pilgrimage, mass prayers, visiting the sick, attending funerals and making a pilgrimage after another. Best of all you fight for the cause of Allah. If one of you leave for pilgrimage, lesser pilgrimage or to the battle field, we preserve your money, wash your clothes and raise your children so do we share you the same reward?".

The prophet (P.B.U.H) turned to his companions facing them and said, "Have you ever heard a better question from a woman in a matter related to her religion than this one? ". They said: O prophet: we have never thought that a woman could be guided to such an idea. The Prophet (P.B.U.H.) turned to her and said, "you must understand, lady, and report to other women that for a woman to be a good wife, seeking the satisfaction of her husband and obeying him equals all this. The woman went away cheerfully until she reached women of her people. She told them what the prophet had said. So they

were all glad and embraced Islam" [26].

One may conclude five significant points from this story.

- This woman sets a good example of women at that time. She asks and exposes well her enquiry and receives an answer.
- The prophet admires the woman who asks about religious matters and who is not prevented by her shyness to do so.
- The story reflects the woman's keenness on doing good and her wish to share spiritual reward with man.
- A woman is rewarded for being a devoted wife who seeks to please her husband.
- The women's pleasure with what the prophet said shows that they wished to carry out men's work only to be rewarded and not for the sake of the work itself as many claim.

No doubt, Islam respected woman, allowed her freedom of opinion, and made it necessary to acknowledge such freedom. The Quran has granted this freedom as a principle for legislation. The Quran gave the woman the right of discussing her right as Allah says: ***"Allah has indeed heard (and accepted) the statement of the woman who pleads with thee concerning her husband and carries her complaint (in prayer) to Allah; and Allah (always) hears the arguments between both sides among you; for Allah hears and sees (all things)"*** (Surat: Al-Mujadalah, verse l).

This verse is important in its implication and scope for it acknowledged the woman's right to argue about her right and reject the harm done by her husband when divorcing her by Zihar [*]. Such acknowledgment is a Quranic lesson of a continuous nature regarding woman's right to pursue their right granted by the Quran, to defend them and to lift any sort of deprivation, harassment, negligence or pressure.

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[*] From Arabic from Zahr (back), it's a pre-!slamic from of divorce, according to which a husband says: you are to me like my mother's back.

Sheikh Mahmoud Shaltoot comments saying [27]: "Look how Islam raised the status of woman-, respected her opinion and allowed her to argue the Prophet (P.B.U.H) and even combined her with the prophet in one discourse "Allah hears your argument". Islam also made the acknowledgment of her opinion a rule so that we realize that the chapter of the Argument and the verses about divorce by Zihar and their rules in Islamic law and the Quran were only but a result of feminine thought. They were also a divine leaf in which we glimpse the image of Islam's respect to women".

Islam was so keen to raise the status of woman and guarantee her freedom of expression to the point that if one of the Caliphs realized that he was wrong and a woman's opinion was right, he approved her opinion and made it publicly known. A woman once objected to Omar Bin Khatab while delivering a speech on the minbar [28]. He was urging the people to economize dowries. The woman interrupted saying, "It is not your right Omar, for Allah said: ***"...Even if ye had given the latter (wife) a whole treasure for dower, take not the least bit of it back..".*** (Surat: Al-Nisaa verse 20). Omar announced from the minbar that the woman was right and said his famous dictum "A woman is right and Omar is wrong". Islam has also recognized woman's right to social contests as expounded in this verse ***"If any one disputes in this matter with thee, now after (full) knowledge hath come to thee, say: "Come! Let us gather together, our sons and your sons, our women and your women, ourselves and yourselves then let us earnestly pray, and invoke the curse of Allah on those who lie".*** (Surat: Al-Imran, verse 61). (This verse is called that of invocation). "In this verse we see women sharing men public meetings for national contests and religious discussion This judgment is based on equality between man and woman even in public matters with a few exceptions as she is not summoned to war. Her share of fighting for Allah's cause is confined to the service of the combatants and treatment of the injured.

The reason behind calling for invocation is to manifest trust in their belief. Hadn't Allah known of the women's strong belief just like men, He would not have included women in this judgment" [29].

Allah has also made men and women equal in penalties, as He says: ***"As to the thief, male or female, cut off his or her hands; a punishment by way of example, from Allah, for their crime; and Allah is Exalted in power, full of wisdom. But if the thief repents after his crime, and amends his conduct, Allah turneth to him in forgiveness; for Allah is Oft-Forgiving, Most Merciful"***. (Surat: Al-Maida, verse 38 and 39). The text made a man and a woman equal in punishment for theft and in repentance.

In Surat Al-Noor of Quran, Allah says: ***"The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes; let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day , and let a party of the believers witness their punishment. Let no man guilty of adultery or fornication marry any but a woman similarly guilty, or an unbeliever; nor let any but such a man or an unbeliever marry such a woman; to the believers such a thing is forbidden".*** (Surat: Al-Noor verse 2 and 3). These two verses have again made men and women equal in punishment, its execution and in the attitude towards them and in realizing similarity in analogies, Allah Almighty says: ***"O ye who believe! The law of equality is prescribed to you in cases of murder; the free, for the free, the slave for the slave, the woman for the woman..."*** (Surat: Al-Baqarah, verse 178).

One of the important aspects of equality between both sexes in human right is homicide cases, in the sense that a man is given a death sentence for killing a woman. The basis for this equality was what came in the old Testament and approved by Islam. Allah says: ***"We ordained therein for them; life for life, eye for eye, nose for nose ear for ear, tooth for tooth and wounds equal for equal ..."*** (Surat: Al-Maida, verse 48).

Allah says showing the wisdom behind retaliation, ***"In the Law of equality there is (saving of) life to you, O ye men of understanding; that ye may restrain yourselves"*** (Surat: Al-Baqarah, verse 179).

Life resulting from retaliation cannot be achieved unless a man is executed for killing a woman and vice versa.

The Quran equalizes the humanity of men and women. It considers that whoever infringes upon the humanity of a woman is as if he infringes upon the humanity of man and deserves punishment in life and the hereafter. Allah Almighty says: ***"If a man kills a believer intentionally, his recompense is Hell, to abide therein (forever); and the wrath and the curse of Allah are upon him, and a dreadful penalty is prepared for him"*** (Surat: Al-Nisaa. verse 93). This means that punishment in the hereafter is based on common faith which the man and woman share, i.e. the penalty applies to both similarly.

On these grounds descended the verse concerning indemnity or blood money for accidental homicide: ***"Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due); if one (so) kills a believer, it is ordained that he should free a believing slave, and pay compensation to the family of the deceased, unless they remit it freely"*** (Surat: Al-Nisaa', verse 92). On the superficial level the verse does not indicate any difference between the male and female in the amount of indemnity for accidental homicide.

Some ulama did adopt the superficial meaning, making the blood money for a woman equal to that for a man considering that they are equal in blood as well as in humanity. Others objected to this opinion, saying that the blood money is not an assessment of the humanity of the killed. It is rather an estimation of the value of material loss incurred by the family of the killed. This opinion relies on the fact that the woman's share in the inheritance is half the amount of that of the man. For a married woman this half is exempted from all obligations

even supporting her children. Therefore, the blood money for a woman is half that of a man [30].

Sheihk Muhammad Abu Zahra commented in this regard [31] "This opinion (woman's blood money is half that of man) has considered the financial aspect and neglected the human part, and rebuke for the perpetrator. The truth is that the penalty in relation to the extent of the criminal inclination of the prosterator and the meaning of aggression on human soul is common among all people irrespective of sex. The blood money in itself is a penalty for the culprit and a compensation for the harmed party or for the victim himself if he is one of the parties. Therefore, blood money for a woman should be as equal as that for a man. It is a blood penalty, for he who kills a woman is similar to the one who kills a man". He further adds, "the verse is explicit in the generalization of the blood money rule for accidental homicide as Allah says in the previous verse (Surat: Al-Nisaa, verse 92). The prophet (P.B.U.H.) indicated that the value of the blood money is one hundred camels".

The woman takes pride in Islam's confidence in her and the high status granted to her. She could protect and house the warriors in war time and her help is both accepted and respected, and nobody is allowed to give her pledge away. The prophet (P.B.U.H.) said: [32] *"The covenant of Muslim is one and he who transgresses the covenant of a Muslim will be cursed by Allah, angels and all the people",* No doubt it is a great honour for the woman to be given such a precious right just like a ruler or a leader. The word ""Muslims" in the prophet's saying applies to men and women. Mr. Rashid Ridah says [33]: "Among the woman's political rights in Islam is that when she houses one of the enemy warriors, her protection becomes valid".

Umu Hani - the prophet's cousin - told him on the day of the conquest of Mecca: "I have housed two men of my in-laws". So the prophet said, *"We protect whomever you protect Umu Hani".*

Thus Islam raises the status of woman to be on equal footing with men. It gave her the right to protect a non believer and offer him safety if he resorts to her. It gave her the right to social contest, debating and enquiry about truth. Islam saved her embarrassment and encouraged her to express her opinion in matters of her religion and to ask about whatever is of concern to her and whatever religious matters that seem ambiguous to her.

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CHAPTER TWO

GUARDIANSHIP, INDEPENDENCE, TESTIMONY AND MIXING BETWEEN MEN AND WOMEN



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FIRST: GUARDIANSHIP

Equality Except One Degree

Allah Almighty said: "*.. .And women shall have rights similar to the rights against them according to what is equitable; but men have a degree (of advantage) over them..*" (Surat: Al-Baqarah. verse 228). There is no law that confirms the humanity of women as much as that verse of heavenly constitution does ***"women have rights similar to the rights against them, according to what is equitable".*** As much as a woman has duties to undertake she should also have rights in return: mandatory equality in rights and obligations. A fair balance should be then observed, whereby the woman neither suffers injustice nor be flattered. She is addressed in her capacity as a mature character who seeks to attain her rights and to be acquainted with her duties.

Commenting on this verse and showing the high status to which Islam raised women, Sheikh Muhammad Abdu said [1]: "This degree to which Islam raised women has never been before reached by any other religion or law. Nor has any nation - out of its progress and civilization - ever respected and honoured women or has been as ever keen on educating them in arts and science. Some of these countries still have laws that prevent a woman from the right to handle her money without the permission of her husband".

Islam did not restrict the people in determining rights and obligations; it rather left them subject to tradition dictated by the woman's and man's nature as well as to the society's circumstances. Allah Almighty says: ***"But men have a degree (of advantage) over them".***

The Degree Does Not Invalidate Equality

This degree does not invalidate the general rule of equality as it is preceded by a text which states equality7 in rights and duties. According to established traditions, "woman shall have rights similar to the rights against them." Our clear understanding of the implication of this degree in the Quran will be in the light of Allah's saying: ***"...God hath granted a grade higher to those who strive and fight with their goods and persons than those who sit (at home...."*** (Surat: Al-Nisaa, verse 95). About Allah' messenger he says: ***"Those apostles we endowed with gifts; some above others; to one of them God spoke, others he raised to degrees (of honour)."*** (Surat: Al-Baqarah, verse 253), and he says: ***"...God will raise up to (suitable) ranks (and degrees), those of you who believe and who have been granted (mystic) knowledge..."*** (Surat: Al-Mujadila, Verse 11).

All this shows that distinction by this degree is not confined to one sex over another. Distinction is based on the commitments and deeds of the individual. The degree which Allah granted men only is guardianship. Allah Almighty says, ***"Men are the protectors and maintainers (guardians) of women..."*** (Surat: Al-Nisaa. verse 34).

In his commentary on this verse, the eminent interpreter, Rashid Ridah Said: "This is a sublime word which is so much meaningful that it could be only detailed in a large book. It establishes a general rule expressive of equality between man and woman in all rights except in one thing which God expressed in "but men have a degree..". This degree is detailed in "Men are protectors and maintainers of women." Allah left the rights and duties of women to what is common among their people and

traditions in conformity with their laws, doctrines, manners and habits. Allah's phrase gives man a scale to weigh his treatment of his wife in all affaires and conditions. If he asks something of her, he is to remember that he should do the same thing to her. Similarly means that they share mutual rights. There is nothing that a woman accomplishes for her husband but he has something to accomplish in return. The deed could not be identical but similar in kind. Man and woman are equal in rights and deeds as well as in person, feelings and mind, i.e. each is a whole human being who has a mind to think of his own interests and a heart to like and dislike. It is unfair that one kind controls the other and enslaves her humiliating and exploiting her for his sake. This applies most to a married couple who would never be happy unless one respects the other and each administers the other's rights (2).

The term guardianship appeared three times in the Quran; ***"Men are the protectors and maintainers (guardians) of women because god has given the one more (strength) than the other...."*** (Surat: Al Nisaa, verse 34), ***"O ye who believe! Stand out firml) for justice as a witnesses to Allah."*** (Surat: Al-Nisaa. verse 135), ***"O ye who believe! Stand out firmly for Allah, as witnesses to fair dealing."*** (Surat: Al-Maidah, verse 8, Eng: 9). In the last two verses guardianship is one of the qualities of believers, men and women, it is associated with the testimony of the people in the sense of guarding the faith in accordance with Islamic jurisprudence and adhering to justice and fairness.

There is a consensus on the part of commentators of the Quranic text. They say that all forms of address (masculine singular or plural) directed to Muslims or Believers concerning obligations, rights and other deeds are inclusive of women with no differentiation unless there is special reference in this respect. This applies to all such matters as worship, financial and physical obligations, rights, the lawful and the forbidden, manners, individual and social ethics and ensuring positive and negative results in this life and the Hereafter.

The Muslims were also addressed in the form of masculine

singular and plural to contemplate Allah's verses, comprehend them and implement their content. Quranic verses that illustrate this point are numerous. It suffices to mention one (sura), i.e. Al-Baqarah, verse 151-153.

To exemplify 'special reference' here are two verses from Surat Al-Baqarah: ***"Permitted to you, on the night of the fasts, is the approach to your wives, they are your garments and ye are their garments..."*** (verse 187) and ***"they ask thee concerning women's courses. Say: They are A hurt and a pollution. So keep away from women in their courses, and do not approach them until they are clean.."*** (verse 222).

The majority of ulemas agree that this address applies to the Prophet's sayings as well. There are thousands of sayings related to faith, knowledge, piety, ablution, fasting, poor due (Zakat), pilgrimage, manners and morals that represent this point. Here are a few examples: Al-Bukhari, Muslim, Termithi and Nasai' narrated through Abdullah Bin Omar that the Messenger of Allah (P.B.U.H) said: *"A Muslim is the one who does not harm the people by his tongue or hand."* Muslim and Ibn Majja also reported through Abu Hurairah that the Messenger of Allah (P.B.U.H) said: *"Allah does not judge according to your appearance and money, but He scans your hearts and looks into your deeds"*.

To exemplify 'special reference' in Hadeeth, Bukhari, Muslim and Termithi reported on the authority of Abu Hurairah that the Prophet (P.B.U.H) Said: *"Treat women kindly"*. Here is an evidence indicating that the address is confined to men believers.

The Scope and Limits of Guardianship

Islam defined the scope of guardianship making it within the sphere of the exchange of rights and duties, which takes place according to the responsibilities and capabilities of each. "And women shall have rights similar to the rights of men, according to what is equitable; but men have a degree (of advantage) over them".

The range of man's guardianship keeps the freedom of woman's entity intact as well as her integrity. This is the secret behind the Quran not saying: "Men are masters of women." It chose the accurate word "guardian" indicating a sublime meaning in the sense that they amend and redress not enslave and overpower. The range of guardianship is thus restricted to the family interests, obedience to Allah and the husband's rights.

The man has no right to interfere beyond the range mentioned before, e.g.:

1-He has no right to interfere in his wife's financial interests. Ulemas of Islam recognized the woman's freedom to handle her money, indicating that the husband has no right to interfere unless with her consent.

2- The wife has to be obedient to her husband only within the limits of Islamic law. She ought not to obey him in matters forbidden by the Legislator. No one is allowed to be obedient in matters against the Creator's commands.

3- The validity of the man's guardianship is meant to preserve rights for the sake of organizing family life. When the wife fulfills her obligations towards her husband and Allah, she only owes her husband dignity and respect.

When Islam gave man guardianship (*) it never meant to make man monopolize the woman or the process of running the family. It was never meant to be a tool for overpowering and enslaving the woman. Islam wanted guardianship to be based on consultation, cooperation, understanding and perpetual compassion between man and wife. All of Islam's directives are geared towards establishing this spirit in the family and making love and understanding overcome domination and dispute. The Quran says: ***"...Live with them on a footing of kindness and equity..."*** (Surat:

(*) This Guardianship is not confined to Islam. The old Testament states this guardianship at the beginning of Genesis (3:16). It tells the woman: "Your yearning shall be for your husband, yet he will lord it over you". The old Testament has made this a general rule for family life.

Al-Nisaa, verse 19). The Prophet (P.B.U.H) said: *"the best amongst you is he who is the most kind to his household"* (3).

In Islam this guardianship has a limit to end at; for it does not extend to freedom of worship. The husband cannot force his wife to change her religion if she is for instance a Christian or a Jew, Neither could he force her to follow a certain doctrine or adopt a certain viewpoint of the Islamic schools of law.

If the man's guardianship does not extend to basic rights what more does a woman want better and more sacred than status, protection, care and honour granted to her by Islam?

The principle of guardianship is more of an obligation rather than an honour and a burden rather than a gain. That is why the Quranic expression was accurate when it said, ***"Men are the protectors (guardians) and maintainers of women because God has given the one more (strength) than the other..."*** (Surat: Al-Nisaa. verse 34). The Quran did not say instead' because they are preferred to them.

Men are preferred to women in some aspects and vice versa. Guardianship is actually an obligation and a kind of persuasion for man to work hard. Man suffers the hardships of war and toils to make a living. That is why the man is assigned to work, find means and endure hardships to support his family and safeguard its security and safety. Allah Almighty alluded to man's special task, warning human kind against Satan, ***"Then we said: 'O Adam! Verily this is an enemy to thee and thy wife. So let him not get you both out of the Garden, so that than (only) art landed in misery."*** (Surat: Taha verse 117), Allah's saying 'so that thou are landed in misery' means that as a result of Adam and Eve's getting out of paradise Adam alone is bound to labour hard because he is the one entrusted with supporting and protecting his family.

Guardianship is an Application of the Rules of Social Organization.

The nature of things necessitates leadership for human societies since it secures equilibrium, defines responsibilities and

keeps life going. Man's guardianship to his wife and children resembles leadership required for each group no matter how few its members are; for each social, economic, political or educational institution needs a leadership.

Any of the above or alike institutions requires only one person in charge to run each of them. Every team work would never be fruitful unless one is assigned leadership. Islam does not go against the nature of things. The Prophet (P.B.U.H.) said: ***"When three of you set out for a journey let them choose a leader"*** (4). Is there a more important social institution than the family? It is the most serious social work that needs a good, strong and decisive leadership and a person that would be in charge of caring about, directing and reforming its course as well as realizing the happiness of a wife, children and relatives.

Would the family leadership be to the man or woman? Allah made this an indisputable matter. He gave the verdict when he said, "Men are the protectors and maintainers of women." Man's guardianship at home is not equivalent to the loss of original equality, as much as the people's obedience to the government does not mean tyranny and slavery. Social organization has its natural requirements and there is no room for far-fetched explanations.

Allah explained the reason for this guardianship, ***"Because Allah has given the one more (Strength) than the other, and because they support them from their means."*** Yet if the man's financial support of the family accounts for this guardianship what then if some women support their families? Why don't they take over guardianship? The answer is that support is not the only reason for guardianship. The main reason is that the man possesses certain qualities that make him more fit than the woman to lead the family. These qualifications are what Allah described as ***"Because Allah has given the one more (strength) than the other."***

These qualities are not acquired but are rather innate, the reason why women cannot acquire them. For instance, motherhood

functions and their associated menstruation, pregnancy, delivery and breast- feeding are peculiar to woman, a matter which makes her share of sentiment different than the man's.

This is what Frucet alluded to in his encyclopedia "As a result of woman's weakness of blood and the growth of her nervous system, her structure is less resistant because performing the functions of pregnancy, motherhood and breast- feeding causes her minor or serious sickness" (5). Al Aqqad says: (6) "The family system requires leadership assigned to either the husband or wife. To call a marriage a company shared by two partners or a compromise of two equal shares does not make leadership or its obligations indispensable. For, a company can never do without a person in charge who would ask about its value and represent it in its relations with others. It is unreasonable that the woman undertakes such leadership all times. For she is incapable of it at least sometimes and is incapable of taking it up again whenever she wishes." He also said, "The woman has no time, compared to the man, for public requirements when she is preoccupied with needs of pregnancy, feeding, nursing and handling the household. We cannot also make the family's leadership in the hands of the woman when she has a natural inclination to submit to the man, love him and feel his strength and virility."

According to a British writer, (7) "A woman never clings to a man whom she steers. This is only because the woman realizes that she can only rely on whoever is tough and solid. No wonder then if the woman despises every toy in her hand. He who thinks that the woman rejects the man's guardianship is erroneous. She rather yearns for it as much as she does for the man himself. She finds pleasure and joy in such guardianship. That is why a woman loathes an effeminate man and respects in man his virility and self-respect and succumbs to him even if she is more knowledgeable, richer and of higher standing."

The story of Shu'aib's (P.B.U.H) two daughters confirms this meaning. They went out to water their cattle to help their aged father. They could not reach the water source because of the

crowd. When Moses (P.B.U.H) volunteered to help them, they did not miss his might, chivalry and honesty. One of them suggested to her father to hire this strong honest man. It was a modest way to express her admiration of a young man whom she yearned to be his wife. Her criteria for manhood was strength and honesty. ***"...Truly the best of men for thee to employ is the (man) who is strong and Trusty"***. (Surat: Al-Qasas, Verse 26).

Reason for and Wisdom Behind Guardianship

There is no disagreement as to the necessity of a guardian to undertake general management of the partnership of man and woman, its offspring and necessary expenses. There are three options regarding guardianship in a family:

- Either the man becomes guardian.

- The woman becomes guardian.

- Or both assume guardianship.

The third option is unlikely because experience proved that two leaders for one place is more likely corruptive than leaving the place without a leader. The Quran says: ***"If there were in the heavens and the earth other gods besides god, there would have been confusion in both !..."*** (Surat: Al-Anbiyaa, Verse 22), and Almighty also says: ***"(If there were many gods), behold, each god would have taken away what he had created and some would have lorded it over others !.. "***.(Surat: Al-Muminun, Verse 91).

If that is the case among the alleged gods what would it be among ordinary humans?

According to psychology, "Children who are brought up with parents struggling for control, have imbalanced feelings and suffer from many complexes and anxieties" [(8)].

The first and second options still remain. Islam opted for the first hypothesis for two reasons: The first is that the man with his innate qualities and physical abilities is assigned to support the family, pay the dowry as well as other expenses. It is unfair that

one is assigned with expenditure without being guardian and supervisor. This is only a burden shouldered by man and from which woman is being freed and yet her equality to man in dignity and rights remain intact.

The wise legislator has acknowledged a strong base for distinguishing between man and woman in certain obligations and distribution of works after deciding that the basis is equality represented in the general common quality of being human and of having blood brotherhood. So it befits no one to breach this rule. Allah Almighty says, ***"And in no wise covet those things in which God hath bestowed his gifts more freely on some of you than on others..."***. (Surat: Al-Nisaa, Verse 32). "This verse is briefly expressive of what Allah granted some men more than others, some women more than others, men in general more than women and some women more than men, (this special gift is an excess granted to its owner exclusively) some women more than men and some men more than some women" (9).

The prophet (P.B.U.H) used to forbid men to look like woman and vice verse and cursed those who do so. He said: ***"Cursed by Allah those who imitate women"*** (10). He also said, ***"Cursed by Allah those women-like men and those man-like women"*** (11). He also said ***"Cursed by Allah are those men who dress like women and women who dress like men"*** (12). This resembles what is reported in the Old Testament (Deut:22-5) "No man shall wear an article of woman's clothing, nor shall a woman put on man's dress; for those who do such things are abominable to the Lord your God".

Allah Almighty distinguished men from women in creation; He gave them might and strength. Hence distinction in obligation is dependent on distinction in nature and aptitudes.

Therefore, nature necessitates that the husband becomes leader, protector and in charge of the house and its needs. By creation, he is prepared to do so, as he is physically stronger and more capable of toil and endurence.

The men-as it is well known-should protect and support women. This necessitates the obligation of fighting for the cause of Allah which implies protection for women.

A woman does not feel secure except with a man whether it be her father, brother or husband. She only feels comforted under his protection. No matter what she is armed with or how much she realized of her wishes, her need for the man's protection is instinctive. There may be some abnormal cases when a woman becomes manly and a man becomes weak. Yet this is rare compared to normal instinct and good upbringing. For that is the way God created woman and created man.

The strength of one sex and the weakness of the other, the positiveness of one sex and the submission of the other are supported by physiological facts. Al Aqqad says: "The original physiological nature of sex indicates that it is a relation between a sex that wants and another that accepts, between an inviting desire and a responding one. The case is such with all species of animals which have a will and are sexually related for some time and depend on sexual desire latent in both males and females. The female does not have the initiative and does not start fighting to overcome the other sex. This is not attributed to shyness imposed by religious societies nor is it necessitated by morals and religion. It is witnessed among male and female animals, where religious shyness and etiquette are unknown. The females do not invite the males, they only make themselves seen to be followed and controlled out of their own choice, the female remains in a waiting position until the fight is over to be won by the strongest male.

The nature of sexual control is also indicative of this. When rape takes place it is on the part of man. never by a woman. The process of sexual desire ends by the man's control and the woman's submission" [13].

"History then as well as physiological facts confirm that Allah has gifted some with things other than others. So the one party should not wash for what the other has nor compete for the

functions for which the others were created. Each person is fit for the function and message for which he is created and is prepared for. ***"And in no wise covet those things in which God hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn, and to women what they earn..."***. (Surat: Al-Nisaa. Verse 32). This distinction is in the interest of all as it creates a variety of duties and functions. The man supervises the family while the woman cares about the family's environmental affairs while both cooperate for the sake of the family, exactly as part of the body cooperate. That is why the Quranic text said, ***"Those things in which Allah has bestowed his gifts more freely on one of you than on another"*** instead of "what is bestowed on them more than them (female plural). The Quran implies that the husband and wife form one whole, the husband is part of it and the wife the other part. To distinguish certain parts of the body from others does not mean preference in the sense of the best and dearest, but rather the distinction of being of a special function. The human body for instance consists of many parts: the eye, hand, head, etc., and each organ has its importance and special function, which could not be carried out by another part. Exquisiteness here means having an advantage and a specialization. Even the nose has a value considering its function and advantage. The same applies to the eye. The advantage of one does not oppose the other. If man wishes to look, he does not direct his nose, but his eyes, and vice versa" [14].

Sheikh Muhammad Metwalli Al-Shaarawi [*] observes briefly that guardianship is understood by some to mean possession and preference which is totally irreconcilable with the intention of the verse, The guardian is the person who makes every movement for the sake of the guarded. Allah says: ***"Is then He who standeth (guardeth) over every soul (and knoweth) all that it doth..."*** which means that Allah takes care of every soul, and provides it with its means of subsistence and guards over all the matters of its

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(*) Sheikh Muhammad Metwalli Al-Sharaowi ***"Women in the Holy Qur'an"*** Akhbar Al-Uaum Est. g Cairo, 11.9.1990, PP. 114 and 115.

life. "Qiyam" (standing) is the opposite of "Qo'oud" (sitting) means moving in life for the support of women, and the provision of money, food and all the demands of life for them. "Qiyam" (standing) -guardianship- here means being responsible for her, and for providing all her demands, and those of her children. Allah's words: ***"because Allah has given the one more than the other"*** do not specify the preferred which implies that men are preferred in certain aspects and women in others, each is endowed with what guarantees the performance of his/her mission in life.

The other meaning to which Allah refers in ***"And because they support them (women) from their means"***, is that man is instinctively prepared for financial support besides his leadership of the family. He is asked to undertake the economic affairs of the family while the wife, however rich she may be, is not burdened with any costs.

As long as the husband is assigned to financially support the family, he has then the right to be guardian like any partners in a company. The one investing a larger share of the capital has more power in running and supervising the company [15]. The man then is created in such a way that prepares him to be guardian to his family. His hard work to sustain the family consolidates this position.

The woman should not wish for the man's position and look for the extra degree which Allah granted men: "men have a degree over them".

Provisions of Guardianship.

Despite the fact that Islam recognized the physiological requirement in granting man a degree, it did not leave complete freedom to man to become a dictator. Islam defined a constitution for him to follow. The spirit of that constitution is a democratic and moral one based on consultation, good companionship, dislike of hatred, and recognition of others' rights. Some articles of that constitutions are as follows:-

A - Consultation.

Allah Almighty said: ***"The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child. An heir shall be chargeable in the same way. If they both decide on weaning by mutual consent, and after due consultation, there is no blame on them."*** (Surat; Al-Baqarah, verse 233). This verse is plain as to the weaning of baby. It should take place upon mutual consent without autocracy. It is the principle of consultation which Islam is keen on in every matter ***"...Who (conduct) their affairs by mutual consultation..."*** (Surat; Al-Shura. verse 38).If the Quran conditioned the wife's will side by side with the husband's concerning the baby, this is then a clue to the way things should be whenever they are confronted with a matter in need of consultation and exchange of viewpoints.

Anas Ibn Malek reported [16] that "The Messenger of Allah (P.B.U.H.) asked for the hand of an Ansari woman for Julaibeeb (a Muslim) from her father who answered 'wait until I consult her mother. The Prophet (P.B.U.H.) said 'good then' The man went to his wife and mentioned that to her..." If the Messenger of Allah approved the man's consultation of his wife regarding the engagement of their daughter, although it was upon a request by the prophet himself, then the agreed upon Hadeeth [17]. ***"Consult your wives concerning their daughters"*** is of correct origin.

B - Good Companionship.

God says: ***"...Live with them on a footing of kindness and equity".*** (Surat; Al-Nisaa, verse 19). Allah also, ***"A divorce is only permissible twice, after that the parties should either hold together on equitable terms or separate with kindness..".***

(Surat; Al-Baqarah. verse 229).The prophet's sayings which confirm the Quran's idea of maintaining good relations between husbands and wives are numerous such as ***"Treat them ' kindly"*** (18).

Ai'sha was asked: what did the prophet do at home? She said: "He was at the service of his family and when it was time for prayer, he would go out for pray" (19).

C - Dislike of Hatred.

Allah almighty says: ***"...If ye take a dislike to them, it may be that ye dislike a thing and God brings about through it a great deal of good"***. (Surat: Al-Nisaa, verse 19). This article guides the man not to respond to any sudden inclination to hate his wife. He has to dismiss any such feelings and not to follow it to the end as he might regret that. He would then realize that waiting and discarding such feelings would have been better.

D - Recognition of Rights and Duties.

This is summed up by ***"And women shall have rights similar to the rights against them according to what is equitable..."*** (Surat: Al Baqarah, verse 228), i.e. striking a balance between the rights and obligations of a wife. According to Sayed Sabiq and Darrouza, "This verse means that whatever the husband asks and expects of his wife of legitimate things could be likewise asked by the wife such as obedience, honesty, chastity, sincerity, good companionship, love, respect, trust, honour, kindness, joy, minding the temperament, caring for interests, running errands, no quarrels, no violence, no annoyance or harm, no ill manners, no arrogance or contempt and no asking for the unbearable. This conforms to divine instructions (directions) that made man and woman two halves of the same self, as God says, ***"It is He who created you from a single person, and made his mate of like nature, in order that he might dwell with her (in love)..."*** (Surat Al-A'raf, verse 189).

Islam acknowledged woman's responsibility in matters of material life as it did the husband. It has thus given the woman power and a status in the family. The prophet (P.B.U.H) said, ***"Every one of you is a protector (guardian) and each is responsible for his subjects. The ruler is protector and responsible for his subjects, the woman at her husband's home is a guardian and responsible for those placed under her care"*** (20).

The Necessity of Guardianship

The researcher Dr. August Forrell (21) tackled the issue of man's guardianship, rendering a documented psychological and social analysis. His conclusion was that men's protection of women is crucial for family stability and for the woman's enjoyment of material happiness. He said under the title of woman's domination "the woman's feeling of the need for her husband's protection greatly affects her passion for love. A woman could never feel that sense of happiness unless she feels respect for her husband and unless she treats him with esteem and honour. She has also to look at him as a good example in a certain aspect either in physical strength, courage, sacrifice or self-denial, mental superiority or any other good quality. If not so, he would promptly fall under her domination and control or they will be separated by a feeling of repulsion, coldness and indifference. This would be the case unless the husband falls ill or faces a crises which would arouse her sympathy and the husband would make of her a nurse to look after him".

Statistical studies of replies of highly educated female students in the U.S. A and studies conducted in a number of Arab cities in Iraq, Jordan, Egypt and Lebanon, i.e. environments that do not give heed to conservatism, indicated that "girls wish for a home, children and a husband that would shoulder responsibility to make of the house a comfortable and happy place" (22).

No matter how economically independent the woman is, she could never dispense with a family life, taking pleasure in caring for a husband.

Among the obligations of guardianship is that the man realizes happiness for his family. Islam does not suffice with love and satisfaction at the beginning of marriage. It commanded the continuation of such love and understanding throughout marital life. Imam Muslim reported that the prophet (P.B.U.H) said:[23] *" A believing husband should not hate a believing -woman. If he hates one of her qualities, he will approve of another ".* In that way Islam treated the abatement of love between husband and wife by urging the husband to overlook any of his wife's qualities that are not to his liking and to suffice with her good qualities. This is the nature of guardianship which was legislated to realize care, equality and love.

The writer agrees with Dr. Aiysha Abdul Rahman's[24] view that The basis of marital life in Islamic law is a harmonious and integrated psychological unity. If this basis is observed it is unimaginable that the house becomes a place for conflict over dominance and authority between husband and wife. But the nature of a group necessitates that one person is to be deputised to take care of its affairs and became its spokesman. This even applies to a group delegated to a conference or a group in company for a day or a few-day journey. The family is more in need of one who looks after its interests. The Quran gave this guardianship to the man as an obligation rather than an honour and the woman still preserves an independent personality.

The Quran did not say that males are protectors of females as it said concerning inheritance ***" to the male, a portion equal to that of two female"*** (4:11), according to which the man's share is connected to this being a male whether minor or of age, sane, foolish or mentally retarded.

As for guardianship it is bound by manhood. According to Islamic law, guardianship is not assigned to a minor, a disabled or a mentally deficient person. The criteria for manhood varies according to standards which is mentioned in the Quran when it restricted man's guardianship to things granted to him and his ability to bear living costs, ***"Men are the protectors and***

maintainers (guardians) of women because God has given the one more (strength) than the other and because they support them from their means..." (Surat: Al-Nisaa, verse 34).

Manliness accounts for the degree given by Islam to men over women to undertake the obligation of guardianship. This degree does not underrate the woman and her status in her capacity as a wife, a mother and a housewife responsible for the family.

This degree was so positively understood as equivalent to man's guardianship to his family that Ibn Abbas said, "the degree is an indication of urging men to be good companions and to be generous with women in money and manners i.e. the best of men should be most tolerant" (25).

SECOND: INDEPENDENCE

The first woman shouldered her responsibility towards the first sin which is an indication of the perfectness of her humanity and of her independence. It was so decided in religion from the very beginning of humanity. Eve ate with her husband from the forbidden tree and each bore his share of the sin. This is one of the principles of Islamic faith. The woman is an independent character. She bears the responsibility of her reasoning and the trust of her humanity just like the man. Each is responsible for his deeds good or bad and each is to be judged for his deeds and earnings by reward or punishment. Allah Almighty says: ***"We said: 'O Adam! Dwell thou and thy wife in the Garden; and eat of the bountiful things therein as (where and when) ye will; but approach not this tree, or ye run into harm and transgression. Then did Satan make them slip from the (Garden) and get them out of the state (offelicity) in which they have been..."*** (Surat: Al-Baqarah, verse 35 and 36).

1- Independence in Faith.

The wife of the pharaoh said: ***"...O my Lord! Build for me in nearness to thee, a mansion in the garden, and save me from pharaoh and his doings.."*** (Surat:Al-Tahrim, verse 11). This shows a clear independence of the woman's character in Islam, as Allah: ***"...sets forth parables for men in order that they may receive admonition".*** (Surat: Ibrahim, verse 25). So he says, ***"And Allah sets forth, as an example to those who believe, the wife ofpharaoh, behold she said: O my Lord! Build for me, in nearness to thee, a mansion in the Garden and save me from the pharaoh and his doings.."*** (Surat :Al-Tahrim, verse 11).

Islam goes on to build the woman's character; as long as she is a human being who possesses a distinguishing mind, she has to bear the responsibility of her doings and their consequences. If she sins and chooses the wrong path, she has

to bear the result of her sin as her husband will not avail her, even if he is a devoted believer. Allah Almighty says also. ***"Allah sets forth, for an example to the unbelievers, the wife of Noah and the wife of Lut; they were (respectively) under two of our righteous servants, but they were falso to their (husbands), and they profited nothing before Allah on their account, but they were told: Enter ye the Fire along with (others) that enter"***. (Surat: Al-Tahrim, verse 10).

In the Quran, a woman, if good, is not affected by the corruption of her husband and if bad does not benefit from his piety and righteousness. Islam deems her independently responsible for herself away from the man, even if that man is her father the Prophet (P.B.U.H). It is reported that when the following verse was revealed, ***"And admonish thy nearest kinsmen"*** (Surat: Al-Shuaraa, verse 214). The Prophet (P.B.U.H.) said to his own daughter, *"O Fatima, daughter of Mohamed, Ask what you wish of my property, but I cannot save you from Allah (if you disobey him)"* [26].

In addition, a woman is given a complete religious freedom. Islam allowed a Jew or a Christian to retain her religion while being a wife to a Muslim and mother of his children. This confirms His saying: ***"Let there be no compulsion in religion..."*** (Surat: Al-Baqarah. verse 256). The Quran has forced its principles only on those who acknowledge it and choose Islam to believe in it. As for those who have not taken up that faith, they are free to live according to their doctrines, traditions and the life style they choose.

*2- **Woman's Independence in Marriage.***

Another evidence to woman's freedom in Islam and her independent personality is that she has the right to accept or refuse a marriage proposal and her guardian has no right to force her to accept whom she refuses. He has also no right to prevent her from marrying whom she pleases if he is of good manners and faith. Regarding this the five Imams of Hadeeth narrate through Abu Huraira that the Messenger (P.B.U.H.) *"A*

matron is not given in marriage unless after taking her permission". They said: "Oh Messenger of Allah, how can we know her permission? He said: *"By her silence".*

The prophet as well as the Cailphs had therefore, annulled many marriage contracts in response to complaints by women that the marriage took place without their consent. They even annulled contracts approved by women who later on after living with their husbands were dissatisfied with their marriage. For instance:

A- Her Indepence from Her Father.

A girl came to the Prophet (P.B.U.H) and said: "My father had me married to his nephew to raise his (her father's) social standard. The prophet gave her the right to decide. She said: "I approve to what my father did but I wanted women to realize that it is not the fathers' right to do so" (27) Imams of Hadeeth, except Muslim, narrated through Khansaa Bint Khozam Al-Anssariya that her father gave her in marriage when she was a widow and she resented that. She went to the prophet and he annulled the marriage".

B- Woman's Right to Choose the Suitable Husband.

Daughter of Abdul Rahman Bin Al-Hareth rejected the Caliph Abdul Malek Bin Marawan and preferred to him Yehia Bin Abdul Hakam (an ordinary man). Ai'sha Bint Talha preferred her cousin to another suitor Bishr Bin Marawan (a famous man).

The caliph Omar Bin Al-Khattb sent Ai'sha Bint Abi Bakr to speak to her sister Om Kalthum about Omar's wish to propose. Om Kalthum said: "I do not want him". Ai'sha replied "Do you reject the Caliph Omar Bin Al-Khattab?" Om Kalthum said: "He comes in and goes out frowning. I do not want him" (28). In this respect Ibnul Qayyum says: (29) "The father of an adult woman of age and discretion should not deal in the least with her money unless with her consent and should not force her to spend a little

of it without her permission. So how could he give her in marriage without her consent? It is known that to spend all her money without her consent is easier for her than to make her marry one whom she does not choose".

C- Adhering to her Right Despite Mediation.

The story of Burairah Jr. who was a slave of the lowest classes, is a proof of the independence Islam gave woman. "She married unwillingly and when she was set free by Ai'sha Bint Abi Bakr, and became a free woman, she left her husband who was infatuated with her. He began to follow her and complain. The prophet (P.B.U.H) pitied him, so he asked her to be merciful with him and reunite. She asked the Prophet "O prophet, do you order me to do so?" He said, "No, I am a mediator". So she said, "I do not want him". She was then entitled to what she wished and lived as a free companion under the auspices of Ai'sha, having a respected viewpoint and becoming a narrator of Hadeeth [30].

D- Her Right to leave her Husband.

The wife of Thabet Bin Quis came to the'Prophet (P.B.U.H) and said, "O prophet, I do not find fault in his morals or faith but I cannot bear him out of hatred". The Prophet (P.B.U.H) said, *"Would you give him back his garden?"* she said, *"Yes"* The Prophet (P.B.U.H) told Thabet, *"Accept the garden and divorce her "* (The garden was the dower he gave her).

Thus Islam fosters the personality of the woman; there is no coercion, enforcement, pressure or even deception or tricking. If a husband deceives his wife by hiding from her a serious default or disease that leads to a defective marriage, Islam gave the woman the right to choose whether to go on in her marriage or have it annulled and in both cases she is entitled to her dower" [31].

If the woman chooses a husband while her guardian does not approve of him without a legal reason, she has the right to refer the matter to the court and ask the judge to be her guardian

in this marriage. Imam Abu Hanifa has even gone further, a point to be dealt with in detail in the chapter on marriage.

In addition to all this, there are many examples that reflect woman's independent character and qualities, among which are the following:

A- Um Salam's Confrontation with Omar Bin Al-Khattab when he Denounced the Prophet's Wives Objection to Him.

Omar Bin Al-Khattab asked Um Salama about what he heard from his daughter Hafsa (the prophet's wife) that the prophet's wives keep objecting to him, making him spend the day angry. Um Salama denied Omar the right to talk about something that does not concern him. She said. "Isn't it strange Ibn Al-Khattab that you interfere in everything; you even interfere between the prophet and his wives". Omar was thus taught a good lesson by a woman.

B- Confronting the Caliph about Dowers.

When Omar Bin Al-Khattab was making a speech advising the Muslims to economize in dowers, a woman faced him publically saying: "you have no right Omar". He asked her ***"why?" She said: Allah Almighty says: "...Even if ye had given the latter a whole treasure for dower, take not the least bit of it back..."*** (Surat: Al-Nisaa' verse 20). Omar then realized that the text plainly indicates that the dower could be a kantar - Omar went back to the mimbar and said his famous dictum, "O people! A woman is right and Omar is wrong".

C- Woman Leads a Battle.

Salam's Persian husband Al-Muthana Bin Haretha died while the battle in Persia was at its climax. He was succeeded by Saad Bin Abi Waqqas who proposed to Salama. She accepted in order to remain in the battlefield where her husband was killed. At the decisive round, Saad was unable to get up from his bed because of his illness. He gave orders to be carried to the roof of the palace where he

was staying to supervise the fighting. Salama did not like his place and started to wail her dead hero. Saad then endured his pain and went out to the battlefield with his soldiers and said: "If Salama did not excuse me while she sees my illness, who else would?"

D- A woman Enjoins the Nominee to the Caliphate to do Good and Forbids Him to do Bad.

Abdul Malek Bin Marawan said after becoming a Caliph: [32] "I was sitting in the city with Barira when she said Abdul Malek. I see symptoms of vanity whereas you are worthy of being ruler of this nation. So if you rule, beware bloodshed as I heard the Prophet (P.B.U.H) say, a person is not admitted to paradise while being so much close to it because of a cupful of blood shed unrightfully."

E- A Woman Interested in the Political Future of the Caliphate.

It is reported through Qais Bin Abi Hazm that Abu Bakr came to a woman who asked him, "How long will we adhere to this good message sent by Allah after years of ignorance?" He said: "As long as your Imams are steady- going." She said: "Who are the Imams?" He said: "Did not your people have leaders who would command and be obeyed by the people?" She said, "Yes". He said: "Those are the Imams."

F- The Argument of Khowaila Bint Thadlaba with the Prophet Regarding Divorce by Zihar.

Islam raised the status of women when it allowed them to argue about religious matters. In a certain instance the opinion of a Muslim woman was respected and accepted as a basis for a divine legislation. The story of Khowaila Bint Tha'laba is a case in point.

Khawaila's husband had uttered words of repudiation (Zihar - a pre- Islamic form of divorce) and then he asked her to his bed. She refused and Sought the Prophet's advice.

The Prophet said: "Up till now I have not received anything concerning your case. I think that you are forbidden to him". She said: "My husband did not mention divorce. She kept arguing with him until the four verses of Zihar were revealed to the Prophet. They start with: ***"Allah has indeed heard (and accepted) the statement of the woman who pleads with Thee concerning her husband and carries her complaint (in prayer) to Allah; and Allah (always) hears the arguments between both sides among you, for Allah hears and sees(all things)."*** (Surat: Al-Mujadila, verse 1).

G- <u>Calling for Her Right to be Educated</u>

The Prophet (P.B.U.H) respected women and recognized the independence of their character. A woman went to him and said: "Messenger of Allah, men listen to you all the time, so why don't you give us a day of your time in which you teach us some of what Allah taught you?" (34).

Perhaps the story of Asmaa Bint Yazid Al-Anssaria (mentioned before in detail)is another proof of woman's independent personality. She was delegated by women of her people and came to the prophet asking about their rights granted to them by Allah. The Messenger (P.B.U.H) listened to her carefully and answered her in such a way that pleased her and the rest of the women (35).

H- <u>Her Right to Give a pledge.</u>

The woman giving pledge before the Prophet is a proof of their independence in responsibility. The Prophet took oath from them after a divine order. Islam gave the right to debate and enquire about the matters they gave a pledge for (36).

It is related that Asmaa Bint Yazid said: "I was among the women who took an oath to accept Islam and Hind Bint Otba. Abu Sofian's wife was there too. When the prophet (P.B.U.H.) said: *"I accept your oath provided that you do not associate anyone or thing in worship with Allah"*. Hind said: "How can we aspire that Allah accepts from us what he does

not accept from men?'. The prophet said: *"And you do not steal"*. Hind said: "Abu Sofian is stingy and I have a little of his money. Do I have the right in it or not? Abu Sofian who was present said: what you took in the past is yours". The Messenger of Allah (P.B.U.H.) recognized the woman and said: "You are Hind Bint Otba". She said: "Yes. Prophet, forgive me for what I have committed before". *"May Allah forgive you"* the Prophet said: *"and do not commit adultery"*. She said: "and does a free woman commit adultery?" He said, *"And don't Kill your children."* She said "We raised them when they were young and you killed them when they grew up. You and they know better. (She was referring to the death of her son Henthala at Badr Battle" Omar Kept laughing until he layed his back on the ground [37].

Hind's protest 'And does a free woman commit adultery? signifies moral superiority. The non-commitment of such a sin is to her a natural thing which the women need not be enjoined. This is an example of women in the days of the prophet (P.B.U.H). This is how she was frank in her discussion and was given complete freedom to protest. Al-Bukhari commented on the woman's oath as having more than one indication [38].

1- It indicates that a woman has an independent personality and that she is not a follower to man. She takes an oath as well as he does.

2- Woman's oath is one for allegiance to Islam and the Messenger of Allah (P.B.U.H). In this respect men and women are equal. The men sometimes used to take the oath taken by women. Ubaida Bin Al-Samet reported that Prophet (P.B.U.H) said while in the company of his followers: *"Come and take an oath provided that you worship only Allah, You do not steal commit adultery, kill your children or do or utter anything slanderous and never disobey me in a just matter"*. Ubaida said, "I took an oath to this effect".

I- Woman's Right attend Mass Prayer.

Iban Omar reported [39], A wife of Omar used to attend the morning and evening mass prayers at the mosque. She was told why do you go out, knowing that Omar hates that and gets jealous? She said, and what prevents him from forbidding me to do so? She was then told, "he is prevented by the Messenger of Allah's (P.B.U.H.) saying: *"Don't keep women from going to mosques"*.

J- Woman's Right to Immigrate.

It is narrated by Marwan and Al-Maysur Bin Mukhzama (of the prophet's companions) [40] the women believers came to Madina as immigrants, among whom were Um Kalthum Bint Oiqba who went to the prophet (P.B.U.H). She was of age. Her family came to the prophet asking him to give her back to them. But he did not.

K- Woman's Right to Take Interest in Public Affairs Exactly as That of the man.

Um Salama (the Prophet's (P.B.U.H) wife)[41] reported that "While my maid was combing my hair, I heard the Messenger of Allah say on the minbar,'Oh people', I told the maid to leave me. The maid said: "But he called upon men not women I said: I am one of the people".

L- The woman's 7Right to Provide Protection.

Um Hani' Bin Abi Taleb provided protection for a non-believer so her brother Ali wanted to kill him. She said: [42] "I went to the prophet (P.B.U.H) at the year of the conquest of Mecca and said: "Allah's Messenger, my brother (Ali Bin Abi Taleb) claimed that he would kill the man to whom I provided protection. The prophet then said: *"We protect whom ever you protect Um Hani"*.

Examples as to the independent personality of women are multifarious and the researcher has introduced only some of them to confirm such independence.

3- Woman's Independence in Dealings, Ownership and Civil Activities.

In Islam a married woman does not lose her capacity or civil personality as the case is in some western countries. After marriage a Muslim woman retains her right to conclude contracts, shoulder responsibilities, and own property. She has her own fortune independent from her husband. The husband should not take any of his wife's money unless with her consent. Moreover, (43) "Among the great Quranic facts is that the Quran has acknowledged woman's full capacity and unconditional right, except those forbidden by Allah and His Messenger. In all civil, economic and personal actions, she is entitled to own money, no matter how much, to inherit, to be donated, be willed, to take loans, own real estate, make contracts, earn money, make reconciliation, to sue and deal with and handle whatever she owns or money she earns by agreement, selling, donating or writing a will. Her consent for marriage is a prerequisite for concluding it and her guardian has no right to make her marry a person she does not want or without her consent. In case of being divorced, her reunion with her husband is bound by her consent and conviction. And she can redeem herself from him by paying money. Her guardian has also no right to prevent her from going back to her husband when he asks her in case of divorce or separation. She has also the right to remarry herself if she is a widow. All these rights are only recently attained by Western women".

4- Woman's Independence In Inheritance.

Islam acknowledged woman a share of inheritance as a due (mandatory) right which is purely hers, no one being given credit for it. The Quran determined her right in inheritance independent from man, ***"From what is left by parents and those nearest related, there is a share for men and a share for women, whether the property be small or large, - a determinate share".*** (Surat: Al-Nisaa, verse 7).

Islam thus abolished pre-Islamic practice concerning inheritance; when a man died, his heir would throw his garments on the wife of the deceased and say: "I inherited her as I inherited his money" She was more rightful to him than to herself. Allah's saying in this matter then revealed, "***O ye who believe! Ye are forbidden to inherit women against their will; nor should ye treat them with hardness, that ye may take away part of the dower ye have given them...***" (Surat: Al-Nisaa, verse 19).

Islam based the distribution of shares on this rule: "...To the male a portion equal to that of two females..." (Surat: Al-Nisaa, verse 11). It is a fair and extremely just rule that conforms to the justice of Islam in distributing obligations and duties [*].

El-Sayed Rashid Ridah says: [44] "The wisdom behind making the woman's share half that of man's is that Islamic law has obliged man to support his wife. That is why her share is sometimes equal to the man's and sometimes it is more than his, depending on the case. If a man dies leaving behind two children, a boy and a girl and has left them 3.000 dinars for instance, the male gets 2,000 and the girl gets 1,000. If he gets married he has to pay a dower to his wife, prepare a home for her and maintain her whether she is poor or rich. In this case the 2,000 belongs to him and his wife and his share would then be equal to his sister's or even less. If he begets children, he has to support them, as the mother does not pay any expenses. In this case his inherited money is less than his sister's. If she gets married, which is most likely to happen she takes a dower from her husband who also supports her. She could spend her inherited money on herself only.

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* And yet there are cases where the male and female have an equal share of the inheritance in achievement of justice as when Allah says, "***For parents, a sixth share of the inheritance to each (equal share) if the deceased left children***". Likewise males and females have equal shares when brothers and sisters inherit their childless sister or brother, as in Allah's saying, "***If the man or woman whose inheritance is in question, has left-neither ascendants nor descendants but has left a brother or a sister, each one of the two gets a sixth*** ".

So if the heirs only have their inherited money, that of the women would always exceed that of men if the means of utilizing that money are the same. Giving women half the men's share is in most cases, a kind of distinction to women. Yet the reason for it is that the woman is less capable then man in earning a living as her motherhood preoccupations divert her from earning what she could, which is likely less than what a man could earn. Man's obligation to support his wife, children and all is not injust to man or shows preference to woman. The reason for giving woman a share of the inheritance is that she may have money to provide for herself if she does not get married or her husband dies leaving her no money. Her share is a kind of reserve money for her and the family".

Allah Almighty did not reduce the woman's share for merely being a female, but because she is not responsible for spending. That is why she is distinguished in other cases. For instance, the daughter gets half of her deceased father's property and his father (the girl's grandfather) gets the sixth. Allah says: "***Allah (Thus) directs you as regards your children's (inheritance) : to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each...***" (Surat: Al-Nisaa, verse 11).

The laws that give woman a share equal to that of the man's obliged her with certain financial responsibilities similar as his. No doubt, giving her a same share as the man is in this case reasonable and logical.

On the other hand, it is illogical and unacceptable in the law of justice to exempt woman from all financial obligations including supporting herself and children, entrusting man with the task alone and then give her an equal share of the inheritance.

It is claimed that [45] some Scandinavian countries discriminate between male and female, giving the former access to a larger share of the inheritance, despite being equal in duties and financial obligations.

5- ***The Wife's retaining her Maiden Name.***

Islam is the only religion which gave woman the right to keep her maiden name after marriage just like the man. No man-made law was able to realize this degree of equality so far. This reflects how far Islam is keen to realize the woman's independence of character. The woman's abandoning of her family name to acquire her husband's family name is a stark proof of woman's subordination to man, which leads to the woman's loss of her civil personality and to her merging into the character of her husband.

In addition, this may lead a woman to change her name several times depending on the number of husbands she marries. Focus magazine published in its 14th edition, 1993, the arguments and discussions that took place as to the possibility of the wife's retaining her maiden name after marriage side by side with her husband's name i.e. to have a compound name. It showed that several problems will arise when she gets married to another man whose name will be added to her name and that of her first husband. The consequence will be trouble for the children because they bear the name of another man beside their father's thus leading to problems in inheritance, bank accounts, house lease and like matters.

Moreover, there is controversy about the formation of the compound name of the new family (the wife and whom she marries) with respect to:

A- What will be the first name?

B- Who decides that?

C- Will it take place by lot or by means of the registration officer?

The German article is attached.

The Egyptian daily Al-Akhbar published a report about Japanese women [46] in which Mrs. Yoko Nay to, Chairwoman of Fosay Women's Association said: "Despite the low divorce rate in the Japanese society, 1.39 in every thousand, compared

to other advanced societies, yet bearing the name of her husband causes the woman trouble in case of divorce. Being a divorcee she returns to her maiden name. When she remarries she takes her new husband's name. That is why we are seeking to issue a new law whereby the woman keeps her maiden name".

The writer considers that the woman keeping her maiden name after marriage just like the man, is one of the significant and outstanding aspects of equality between man and woman in Islam and the woman's independent personality.

NAMENSRECHT

Kurz-und bündig

Ein neues Namensrecht soll die Flut von Doppel- und Bandwurm-Namen stoppen

IHRE DREI KINDER

dürften nach dem neuen Namensrecht nur „ **Schmalz** *" oder „* **Jacobfcen** *" beißen*

Angenommen, die FDP-Abgeordnete Uta Würfe) will ein zweites Mal heiraten - vielleicht einen Herrn Zucker. Wie wird sie in Zukunft heißen? Würfel oder Zucker? Zucker-Würfel oder Würfel-Zucker?

Seit Märe 1991 fehlt es an einer gesetzlichen Lösung im Namensrecht. Damals hatte das Bundesverfassungsgericht die Männerdominanz gebrochen. Der Standesbeamte darf beim Fhepartnerstreit nicht mehr automatisch den Namon des Mannes in die Heiratsurkunde eintragpn.

Zwei Jahre brauchte der Rechtsaus-schuß des Bundestages, um sich auf eine neue Namensregelung zu einigen. Sie soll gleich nach der Osterpau-se in den Fraktionen beraten werden.

Die neue Regelung: Jeder darf bei Heirat seinen Geburtsnamen behalten. Es kann aber auch ein gemeinsamer Farruiienname oder eine Doppelung gewählt werden. Auf die Kinder darf der neue Name dann aber nicht mehr übertragen werden, um mehrstellige Endlusnamen zu verhindern. Bei unterschiedlichen EHernnamen geht einet der beiden Nachnamen auf den Sproß über. Droht hier Streit« entscheidet nicht wie ursprünglich vorgesehen der Standesbeamte per Los, sondern das Vormundschattsgericht.

Weitere Neuerung: Ein angeheirateter Name darf bei Scheidung zwar weitergeführt, bei erneuter Hochzeit aber nicht auf den Partr er übertragen werden. Dafür hat der deutsche Adel mit Brandbriefen an das Bundf^sjusüzmini-sterium gesorgt. Vor allem aus dem Auswärtigen Amt - der Bonner Adelshochburg - kajnen die sorgenschweren Schreiben.

Die „ Blaublüter „ ängstigten sich vor einer unbegrenzten Vermehrung ihrer Slandesgenossen durch Scheidumjswut und Neuheirat. Das bürgerliche Läger hatte ähnliche Bedenken. .Schließlich will man dem gehörnten Ehemann nicht zumuten, den jungen Nachfolger mit seinem guten Namen herumstolzieren zu -ehen', formuliert FDP-Abgeordneter burkhaid Zurhei-de Kfllopp die Metr.umj des männer-lasüyen Rechlsdusschiisses

Die Einigung au: die Namensregelung fiel der Koaiiucnsf raktion schwer Die CSU pochte a:.' den gesetzlichen Zwang zum gemeinsamen Familiennamen .Nicht durchsetzbdr". sagten die Liberalen mit Back auf Karlsruhe. Ihr Textkoinprorrul Künftiq .sollte" ein Familienname Deführt werden

Der SPD ist die« Vorschrift zu eng. Sie verlangt dir Beibehaltung des Gcburtsnamen vor. Frau und Mann als Regellall. Die Hamburger SPD-Abgeordnete Marliese Dobberthien will noch mehr: «Kinde: bekommen den Namen der Mulier So bleibt bei Scheidungen die Namcnsidcntitä! gewahrt Der Vorschlag ging den Männern zu weit."

Ebenso wie der Vorstoß Hamhunjv Die Nordlichter forderten ein Eheverbot für namens-unemige Hochzeiter.

NICOLA BRUNING

THIRD: TESTIMONY

Islam has made the testimony that proves people's rights involve that of two fair men or a man and two women, as in Allah's: ***"The witnesses should not refuse when they are called on (for evidence)."*** (Surat: Al-Baqarah, verse 282).

According to Qortobi's interpretation of this verse,[47] "Allah has made the testimony of two women and a man legally accepted in this verse even if there are two men ready to testify. It is not mentioned in any other verse. Their testimony is permitted, according to common practice, only in financial matters provided that there is a man witness with them. It only applies to money which Allah inumerated sources of its verification because of the various authorities that collect it and the frequency of mishaps that money causes. Allah made its verification by writing, testifying, mortgage and guarantee. In all this the testimony of women is included with men. Ulamas permitted their testimony alone in matters that are not witnessed by men and in time of need".

The writer would like to draw the attention to the following remarks:

First : Testimony is generally in the Islamic concept a heavy burden of which the people evade rather than a right they pursue. The Quran has thus forbidden anyone to evade giving testimony as Allah *says:* ***"...The witnesses should not refuse when they are called on (for evidence)..."*** (Surat: Al-Baqarah, verse 283). Allah says:***"...And get two witnesses, out of your own men; if there are not two men, then a man and two women, such as ye choose for witnesses, so that if one of them errs, the other can remind her..."*** (Surat: Al-Baqarah, verse 282). The address here is apparently a general one directed to males and females in giving their testimony.

Second: The Quran has extremely warned against suppressing a

testimony as it leads to the loss of people's rights. Allah says: ***"...Conceal not evidence; for who ever conceals it, his heart is tainted with sin..."*** (Surat: Al-Baqarah, verse 283). As it is evident, this verse also does not indicate any difference between man and woman in testifying.

Third : Moreover, Islamic law supported testimony in financial cases by requiring the testimony of two men so that the first witness would not be subject to accusation.

Fourth: The woman is distinguished by her testimony alone in serious matters such as delivery and its ensuing lineage and inheritance while one man's testimony is not enough in less important matters of financial nature.

Bukhari narrates in his book Sahih Chapter on the testimony of a wet nurse through Uqba Bin Hareth that the Messenger of Allah (P.B.U.H) accepted the testimony of one woman. Uqba said: "I married a woman and then a black woman came to me and said I suckled you both. So I went to the Prophet (P.B.U.H) and said I married a daughter of so and so and this black woman claims that she suckled us both but she is a liar. The Prophet (P.B.U.H) turned his face aside, so I went to the other side and said, 'she is a lair'. He said:" *How can you keep your wife when she claimed that she suckled you? " Uqpa then divorced his wife.*

Sheikh Mahmoud Shaltoot said, "The Quran stipulates that the woman is exactly like man in the testimonies of sworn allegation of adultery (committed by either husband or wife) as Allah says: ***"And for those who launch a charge against their spouses, and have (in support) no evidence but their own,~their solitary evidence (can be received) if they Bear witness four times (with an oath) by Allah that they are solemnly telling the truth... but it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie "*** (Surat: Al-Noor, verse 6 and 8). The testimony of one woman is accepted in bloodshed if it was the only way to prove the truth." (48).

In Testimony: In his interpretation of the verse 282 of Al-Baqarah [49], Gassas is of opinion that the meaning of this verse provides for accepting two women witness together with a man's testimony in all debt bonds and contracts such as money, commodity, utilities and delibrate murder. "Mr. Mohamed Ezzat Doruza says about this verse:[50] ***"If any of your women are guilty of lewdness, talk the evidence of four (reliable) witnesses from amongst you against them..."*** (Surat: Al- Nisaa', verse 15), that the verse here bears no indication of the sex of the four witnesses. The address here is general including men and women believers. There is also no Prophet's saying that specifies the four witnesses as men or women. This makes it acceptable to say - Allah knows best - that the four witnesses may be men, women or a combination of both. In this particular situation more women are present and are more capable of testifying. He added in footnote that testimony here is through hearing. If people hear or know[7] that a woman is committing adultery they should report it and bring four witnesses. If they are able to support that and bring four witnesses, the crime is proved against her.

Mr. Druza quoted the verse 109 of Surat Al-Maidah: ***"Oye who believe! When death approaches any of you, (take) witnesses among yourselves when making bequests,-two just men of your own (brotherhood) or others from outside..."***. He reported what he said before that there is no evidence as to the sex of the two witnesses. They might be two women or a man and a woman. This is most probable as the incident takes place suddenly and there is no way to choose witnesses. It is enough to make those present or those that could attend the bequest testify. He said, "If my deduction is correct - and I hope it is - then the question of the testimony of two women equal to one man would be non-existent and a woman's testimony would be complete as a man's.

Moreover, the followers of Imam Ahmed Bin Hanbal said about testimony [51], a man bequeaths while only attended by women: woman's testimony is accepted.

Mr. Druza Made an analogy between the previously mentioned

verses about testimony and some verses of Surat: Al-Noor, namely 4 and 13 and verse 2 of Surat: Al-Talaq. These verses are:

"And those who launch a charge against chaste woman and produce not four witnesses.." (Surat Al-Noor, verse 4).

"Why did they not bring four witnesses...?" (Surat Al-Noor, verse 13).

"...And take for witness two persons from among you endued with justice, and establish the evidence (As) before Allah..". (Surat Al-Talaq, verse 2).

He added that what was said about the verses of Surat: Al-Nisaa and Surat: Al- Maidah, applies to this.

Here are quotations of some ulamas in Ibn Qudama's two references: Muslims have made a consensus that in adultry the testimony of no less than four witnesses is accepted according to the Quranic text of Surat Al-Noor, verse 13, ***"Why did they not bring four witnesses to prove it? When they have not brought the witnesses, such men, in the sight of Allah, (standforth) themselves as liars!".*** All agreed that these witnesses should be free men as the testimony of slaves is unacceptable-such is the opinion of Malek, Al-Shafi and Abu Hanifa. Abu Thour has an exceptional opinion as he said that the slave's testimony is accepted. It is reported that Atta' and Hamad said that the testimony of three men and tw[7]o women is possible as the case with money matters.

Ibn Hazm says in Muhalla, "In adultery the testimony of no less than four just Muslim men or in place of each man two just Muslim women is accepted. This means three men and two women or two men and four women or one man and six women or eight women only".

Ibn Qudama says: [(52)] "In matters which men do not witness such as suckling (breast-feeding), delivery and alike, the testimony of one just woman is accepted". Ibn Al-Qayyim says: [(53)] "the just woman is exactly like the man in being truthful, trustworthy and

religious. But because she may forget, her testimony is supported by another's. This may make her (testimony) stronger than one man or like him..". It is noteworthy that forgetfulness and lack of concentration is one of the symptoms of psychological and nervous effects accompanying the woman's monthly period during which an opium-like substance called Endogenous Opiate peptide is excreted from the brain. Its amount differs from one lady to another and even from one menstruation cycle to another in one woman. Another woman may not be exposed to this process at all. And because these symptoms are not confined to women's monthly period and the man might undergo more than that, his sole testimony is unacceptable. It should be supported by another's. All this is meant to verify the truth (*).

Apparently, this distinction has nothing to do with humanity, dignity or concepts. As long as the woman is as much human as the man, of dignity just like the man and enjoys full capacity to bear financial obligation exactly like the man, the condition of having two women witnesses with one man is beyond the woman's dignity, esteem and respect.

The writer mentions the following incident to show Allah's wisdom in supporting the man's testimony with that of another man and a woman's testimony with another woman's especially since man and woman are subject to forgetfulness and absence of mind during the testimony. Yet the woman is more liable to that than the man, a matter referred to in the Quran. (Surat: Al-Baqarah, verse 282), ***"...So that if one them errs the other can remind***

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* Refer to the menstruation cycle in:
- Keye W.R.: The Premenstrual Syndrome- eds; W.B. Sannders Company, N.Y., 1988.
- Me Cana R.A., Lagg M.C. and Widdowson E.E.: physical and Emotional periodicity in Women; J.Hygotene 37 H, 1938, p.571
- Christie M.S. and Chester G.B.: physical Dependence of physiologically Released Endogeneous opiates. Life Sci 30, 1992, p.1173.
- Baclastrom T., Barid D.T. and Bancraft J. Etal: Endocrinological Aspects of Cyclical Mood changes during the Menstrual Cycle of the pre-menstrual syndrome. J. Psyche-Sometie Obstet Gynaecal, 1983, .p. 1-8.

her...". Yet, this quality is not denied for man in the Quran. The aim of this support is to safeguard the truth and dismiss any doubt or accusation regarding the testimony.

And yet rules of Islam accepted the testimony of one woman although she may not be uncertain about the truth as it happened in the following incident reported by Wael el-Kendi [54], "A woman was raped in the early morning darkness while she was on her way to the mosque. She called for the help of a passer by. The first man escaped. She then called for the help of an armed group who happened to pass by. They arrested the second man who came to her rescue. They took him to the Messenger of Allah (P.B.U.H). The man said. "I was rescuing her from her companion, then those people caught me'. The woman said, "he is telling a lie", (in the sense that he was the man who attacked her). The Messenger of Allah ordered to have him stoned (on the testimony of one woman). A man came out of the crowd and said, "Don't stone him but rather stone me". The three (the woman and the two men) were present before the Messenger of Allah (P.B.U.H) who said to the woman: *"As for you, Allah has forgiven you "*. and said good words to the man who tried to save her. Omar said: "stone the man who confessed adultery. The Prophet (P.B.U.H) said: *"No because he repented to Allah in such a manner that if the people of Al-Madina repented in the same way, it would be accepted from them "*.

The Quran did not mean to underrate woman because of her testimony, it meant to take the safest and most guaranteed way. In this respect Imam Muhammad Abdu says[55] "the true reason is that a woman is not accustomed to financial and alike dealings, for in such matters she has a weak memory, though it is not so in household affairs because they are a woman's concern. Her memory in such things is stronger than the man's. It is a human nature (males and females) to be of strong memory in matters of concern to him/her and to which he/she is frequently preoccupied".

The testimonies of two women are equal to the testimony of

one man not because of a deficiency in a woman, but because her practice of money dealing is modest compared to the man's. It is safer in such rights to replace an informed man with two women who are more interested in household activities than such matters.

Sheikh Shaltoot says [56]: "If the verse leads to the fulfillment of all aspects of her trustworthiness and if those involved are in an environment where women are mostly involved in dealings and accustomed to attend debt councils, the dealers then would have the right to trust women as much as they trust men when they become sure that her good memory and unforgetfulness are exactly like the man's". Islam had therefore wanted in such cases to combine two women against one man to bridge the gap which is not associated with intelligence but with being inexperienced in such matters.

According to all previous remarks, we see that the woman has full capacity, ability to bear witness and is distinguished from man in giving testimony alone in cases more serious than money.

Because testimony in Islam is a burden avoided by the people, the writer considers that Islam has alleviated the burden from the woman in many cases by making the testimony of two women equal to that of one man so that the people would in most cases abstain from calling them to testify and tend to summon one man to testify. Yet this does not mean dispensing with the testimony of another in support of the first to safeguard the soundness of the testimony, However the integrity of the first man is kept intact.

Having two women to testify in financial matters was for the purpose of alleviating the burden in accordance with the Islamic genuine outlook to the woman in facilitating life as much as possible for her and in lifting the burden altogether sometimes. This for instance applies to guardianship, i.e. the responsibility of expenditure, she is supported by her guardians in all cases as a daughter, wife and mother.

FOURTH: MIXING

The Islamic religion is a moderate faith, the Quran says: ***"Thus have we made of you on Ummat (nation) justly balanced..."*** (Surat: Al-Baqarah, verse 142, Eng: 143). It stands halfway between negligence and extravagance. It does not allow mingling without restrictions or conditions, as it leads to corruption, while mingling is not forbidden altogether under the pretext of fear of temptation and as a preventive measure.

Islam has placed a fair boundary between the concept of degenerating of woman and absolute mixing on the one hand which may lead the woman to become a mere tool of lust and between total separation and keeping women away from public life on the other hand. This latter situation may lead to unemployment of woman's talents and energies thus isolating and causing her to be complicated.

The middle course which Islam opted for is the ideal solution to avoid erroneous concepts about mixing and social life which may generate perversity. Islam has neither adopted the inherited oriental tradition that considers women as tempting devils nor the Western traditions characterized by exaggeration in women affairs and exceeding the limits dictated by Allah, instinct and virtue.

This Islamic moderation which neither exaggerates nor neglects is the quality to which Allah alludes in, ***"So establish weight with justice and fall not short in the balance".*** (Surat: Al-Rahman, verses 9 and 10). Despite the fact that the verses of the Quran did not explicitly stipulate the legitimacy of mixing (*) because Islam does not give a general rule in such a topic, but it rather considers it in the light of its aim, i.e. its benefit, its harm and conditions that should be observed. Yet there are certain texts that bear definite indication as to the mixing of men and women while observing rules of decency.

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* When the writer talks about mixing, she means serious, objective and decent mixing in which good manners ordained by Allah are observed.

Mixing was one of the customs of prophets (P.B.U.H) before it became a tradition of Prophet Muhammad (P.B.U.H). Examples of this are as follows:

A- Sarah, wife of prophet Ibrahim shared her husband the welcome of guests and receiving the tidings of the angels for Allah says: ***"And his wife was standing (there) and she laughed; but we gave her glad tidings of Isaac and after him, of Jacob".*** (Surat: Hud, verse 71). It is mentioned in Al-Tabari and Qortubi's commentaries on the Quran that Ibrahim's wife was present among the guests waiting on them and on her husband.

B- At the time of Solomon Allah says: ***"So when she arrived, she was asked: 'Is this thy throne?' She said: It was just like this..".*** (Surat: Al-Naml, verse 42). There was then mingling between her and the audience.

C- At the same time of Prophet Muhammad (P.B.U.H), Allah Almighty says: ***"Allah has indeed heard (and accepted) the statement of the woman who pleads with thee concerning her husband and carries her complaint (in prayer) to Allah, and Allah (always) hears the arguments between both sides among you...".*** (Surat: Al-Mujadila, verse 1) This argument was in public before many witnesses.

Islam therefore, raises the value and dignity of woman, in her capacity as a human being. She is complementary to man as he is to her. They are part of each other as the Quran says: ***"..Ye are members, one of another..".*** (Surat: Al-Imran, verse 195 and Surat: Al-Nisaa, verse 25).

Islam is a religion that does not conflict with logic, it always urges man to reason, think and learn. There are many verses that reflect to what extent Allah urges man to use his mind - sometimes forcefully as in *"Do ye not understand?"*, sometimes leniently as in, *"Per chançe ye may understand"* and other times

by using the vocative form, *"O ye that are wise!"*(*).

The great miracle of Islam is an intellectual one, i.e. the Quran with which Allah defies us. Humanity has never known a religion that respects mind and knowledge as Islam does (**). The mind contradicts the halting of active life, a life where woman sharing man becomes a prerequisite.

Islam has thus rendered mixing between men and women its true meaning in such a way as to fulfil the aim of man's existence and be consistent with his nature. If there were no mixing, life would come to a halt and it would be against human nature and the ways of human life.

Manners of Islam Concerning Mixing.

The code of ethics set forth by the wise legislator for women to participate in social life and to meet with men is one that promotes the right, avoids the wrong and provides psychological health for both man and woman:

A- Both are enjoined by that code to lower one's eye when meeting the other sex as in Allah's saying: ***"Say to the believing men that they should lower their gaze and guard their modesty, that will make for greater purity for them... And say to the believing women that they should tower from their gaze a fid guard their modesty..."*** (Surat: AI-Noor, verse 30 and 31).

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* 'Do ye not understand?' is mentioned 14 times in the Quran; "Per chance ye may understand". Is mentioned 8 times while "O ye that are wise!" is mentioned 15 times. See M. Fuad Abdul Baqi, *Alphabetical Index of (he words of the Quran, Darul Hadeeth Cairo, 1987.*

** The Quran has made woman's confinement to her home and that she would not go out of it as a punishment for a woman who commits adultery publically as in His saying: ***"If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses from amongst you against them; and if they tesify, confine them to houses until death do claim them ..."*** (Surat: Al-Nisaa, verse 15). How could it be then in the logic of the Quran and Islam that confinement at home be associated with decent woman. It would be then as if Islam is giving her a permanent punishment while she has not sinned.

El-Sayed Rashid Ridah said: [57] "As for turning the eye away it means lowering it and not gaze at what may be a sexual temptation. It is therefore enjoined to lower the eye and not to continue gazing at the body. The rule is: the first look is yours but the second is against you".

Ibn Battal said: [58] "The command of lowering the eye is in fear of temptation and it means that if temptation is avoided then the look is permitted". Allah Almighty says: ***"(Allah) knows of (the tricks) that deceive with the eyes, and all that the hearts (of men) conceal".*** (Surat: Al-Ghafer, verse 19). Karamani said: [59] "The meaning of tricks that deceive is that Allah knows a stealthy look directed to forbidden things". Al Tabari said: [60] in his commentary of the verse: "If the thing discerned is not a forbidden thing and the look was not for the sake of lust and pleasure, there is nothing forbidden then". Ibn Daqqiq Al-Eid said: [61] the word (min) "of " means some and the verse has nothing to indicate absolute turning away of the eye".

Christianity agrees with this meaning. It is mentioned in Mathews (5:27-29), "If a man looks at a woman with a lustful eye, he has already committed adultery with her in his heart. If your right eye is your undoing, tear it out and fling it away, it is better for you to lose one part of your body than for the whole of it to be thrown into hell".

B- A Special Dress Manner: Allah Almighty says: ***"O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested.,"*** (Surat: Al-Ahzab, verse 59).

El-Sayed Muhammad Rashid Ridah says: [62]Allah Almighty explained that this decent way of clothing is ordained so that a believing woman would be recognized and thus hypocrites and the dissolute would abstain from harming her. The reason then for such clothing is out of concern about her not fear of her.

In his first letter to timothy, Paul said (Timothy, 2:9-10)

"Woman again must dress in becoming manner, modestly and soberly, not with elaborate hair-styles, not decked out with gold or pearls, or expensive clothes, but with good deeds, as befits women who claim to be religious" (63). In the 1925/26 the Roman Catholic Church issued a circular prohibiting women to attend church wearing low cut dresses and stating that any woman indecently dressed would be prevented from entering church. It took these instructions into effect. The Coptic church also followed the example of the Roman church.

Thus we find that all heavenly religions called for adherence to good manners and morals as Islam has done. What we see of the decent dress of nuns is but an expression of adherence to such manners.

The purpose of this is not to restrict the freedom of woman and it does not spring from mistrust but as Allah says, "that they should be known (as such) and not molested' by those who do not value virtue or give any weight to honour.

C- There is also a special code for speaking with others, i.e. seriousness of speech. The reason is again fear for the woman lest she be a target for lecherous men, as Allah says, ***"O Consorts of the Prophet! Ye are not any of the (other) women: if ye do fear (Allah), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just".*** (Surat: Al-Ahzab, verse 32). Speech should be within the limits of the allowed without diversion to vicious talk.

D- There is also a special code for respectful movement. Allah Almighty says: ***".. .And that they should not strike their feet in order to draw attention to their hidden ornaments...".*** (Surat: Al-Noor, verse 31). Islam is not the only religion that asks women to be respectful in their movement. In (Isaiah 3:16) we find, "The Lord will punish the women of Zion because they walk with their heads held high and they mince along tickling the bangles on their feet; the Lord will give the

daughters of Zion itching (bald) heads and uncover their nakedness".

About this point Rashid Ridah says:[64] "Some women in Pre-Islamic times used to stamp their feet in order to draw the attention to their beauty and adornment specially to the jingling of their ankle-bracelets of which they were proud and with which they used to excite the people. There is a general agreement among commentators that the prohibition of such stamping is detestable but not absolutely forbidden unless it is followed by a forbidden act". Accordingly Quranic texts reflect the permissibility of meeting of men and women as long as they observe the limits of rightful manners.

Preventive Measures.

Mr. Rashid Ridah says: [65] "Exaggeration in keeping women in seclusion observed by people in cities and large villages is deemed a preventive measure rather than being a principle of jurisprudence. Muslims made a consensus as to the legitimacy of women praying in mosques with their faces and hands unveiled. They also agreed to women's Ihram in pilgrimage and lesser pilgrimage. True, they used to perform mass prayers behind men but they used to travel with men in the state of Ihram and perform the circumambulation of the Kaaba, mount Arafat and throw their stones in the presence of men in the lifetime of the Prophet (P.B.U.H) and the Caliphs".

A Good Example of Mingling.

The mixing of men and women in the House of Allah especially in the season of the pilgrimage is a good example that shows how men and women could meet without embarrassment, restriction or detrimental effects. If the women's participation in social life and meeting with men would mostly lead to lustful desires, Allah would never have allowed such get-together in such a noble occasion as the pilgrimage season nor in His sacred House (Allah has ascribed to Himself). It is the House of Allah

out of Allah's choice as He says, ***"...And sanctify My House..."*** (Surat: Al-Hajj, verse 26)[*]. If mixing was totally forbidden Islamic jurisprudence would have never urged women to perform pilgrimage and lesser pilgrimage again, and again. As Ai'sha narrated:[66] "I *said O Prophet! should women go for jihad (fight for the cause of Allah), he said: "Yes, they should go for Jihad where is no fighting: It is pilgrimage and lesser pilgrimage* ". The Hadeeth refers to the reason why Jihad is not required for women because fighting is against the delicate nature of women. The prophet (P.B.U.H) said Jihad where there is no fighting but did not say Jihad where there is no mixing, The Messenger of Allah (P.B.U.H) said: [67] *"Allah does not judge according to your bodies and appearances, but He scans your hearts and looks into your deeds ".*

During the rituals (manasik) of pilgrimage and lesser pilgrimage, women and men meet and often times the place becomes overcrowded like nowhere else and yet mixing takes a lofty image. The messenger of Allah (P.B.U.H) said:[68] *"Are you surprised of Saad's jealousy (sense of honour).. I am more jealous than him and Allah is more jealous than I am. Allah has therefore forbidden the committing of sins openly or secretly. For Allah Almighty who created man knows the promptings and temptations of his soul and all that is concealed in the hearts*".

Forbidden Mixing.

Forbidden mixing is determined by two things:

1- Unlawful privacy forbidden by the Prophet (P.B.U.H) in *"Never in privacy with a woman who is not a mahram (has sanguinity relationship with you), for their third companion would be the devil"* [69]. This is the kind of forbidden mingling as it leads to corruption and wrong doing.

The forbidden privacy is that of one man and one woman.

* However, all mosques are considered the Houses of Allah.

But if there are more than one man and more than one woman, there is nothing to be prohibited. Al-Nawawi said: (70) "If a man leads a prayer in privacy with a strange woman, it is prohibited for both of them. If he leads a prayer with strange women there are two view points, The majority permits it based on the following Hadeeth" (71) *"Let no man be anymore in privacy with a woman whose husband is absent unless he is in the company of another man or two"* It is also permitted because women who confine themselves at home are mostly unable to corrupt each other in their presence. M. Rashid Ridah says: "Among the preventive measures of corruption is prohibiting the privacy of a man and a woman and traveling of a woman alone without her husband or a mahram. The Prophet (P.B.U.H) said, *A woman does not travel alone, she travels only in the company of a mahram and let no man enter her house except when she has a mahram.*" This is an agreed upon Hadeeth on the authority of Ibn Abbas having the same wording and is narrated by Ibn Omar in such wording, *"let no woman travel for three days without being accompanied by a mahram."* Does the absolute apply to the specific as some fundamentalists say or does judgment differ according to different circumstances and time with respect to self- safety?

It is reported in Sahih Al-Bukhari on the authority of Adiy Bin Hatem (72) that the prophet told him about the future impact of the spread of Islam, the justice and the safety it offers. *"A woman in her hawdah will be able to travel alone from Heera (in Iraq) until she performs circumumbulation (Tawaf) of the Kaaba without fear of anyone except Allah the Almighty ".*

2- The mixing of man and women to do unlawful things such as dancing, drinking alcohols etc., because Islam prohibits whatever takes away man's mind causing him to let loose his animal instincts. For, the mind is the guide to man's movements on the one hand and it is the thing that discriminates man from animal on the other hand.

Woman's Temptation.

The wise legislator is always keen on safeguarding people against temptation and at the same time He is keen on limiting restrictions such as prohibiting all kinds of meetings of man and woman as it is against instinct on the one hand and goes contrary to intellect and logic on the other. In addition, such restrictions may lead to more wrong doing via twisted ways.

Woman's temptation is one of life temptations with which Allah tests his subjects in addition to other temptations, as in. ***"And know ye that your possessions and your progeny are but a trial; and that it is Allah with whom lies your highest reward".*** (Surat: Al-Anfal, verse 28). Allah warned against the 3 temptations in, ***"Fair in the eyes of men is the love of things they covet: Women and sons; heaped-up hoards of gold and silver; horses branded (for blood and excellence); and (wealth of) cattle and well-tilled land..."*** We therefore find women temptation caused by their lawful participation in social life is an inevitable temptation ordained by Allah to the sons and daughters of Adam to test them. Man's suffering of Allah's test and his resistance of temptation, will make his will stronger as he struggles against his desire. The ultimate outcome will be psychological soundness and a balanced character.

There is no way of escaping this temptation unless there are restrictions. Abu Hurairah was once fed up of such temptation and wanted to escape it by having himself castrated. The Messenger of Allah denied him this and said: *"Abu Hurairah the pen has dried after writing what you are to confront. So it does not matter whether you get your castrated or not"* [(73)].

M. Rashid Ridah said: [(74)] "As for the wives of Bedouins who live on raising cattle and farmers in the countryside and who form the majority of Muslims, they neither overdo the veil nor are they familiar with debasement prevalent in our times. Still, these women are less prone to temptation".

Moderation in Precautionary Measures.

Prevention is one of the rules of Islamic law. But it is not

right to describe application as part of the law except when it adheres to the conditions determined by fundamentalist ulamas. If application does not observe these conditions, it has then fallen into the sin of violating Islamic law" (75). M. Rashid Ridah says: (76) "The rules of Islamic law regarding manners of men and women are well-known. It is rightful to take precautionary measures against women temptation, which differ according to time and place. The forbidden is the thing pruned to be absolutely prohibited by an explicitly reported text and content. If the proof is suspected, the thing to be done is considered (makruh) detested. Every man or woman knows himself/herself, his intention and the condition of his/her people and environment". The general rule in this is the Prophet's saying: (77) *"The lawful is that which Allah has made lawful (halal) in His Book and the forbidden is that which Allah made prohibited (haram) in His Book and that which he remained silent is allowed as a favour from Him*". The Prophet (P.B.U.H) said: (78) "*The lawful is plain and the unlawful is plain and that between the two is doubtful about only which a few of the people know. Thus he who avoids doubtful matters has cleared himself with regard to his religion and honour. But he who falls into doubtful matters has committed the unlawful In the body there is a morsel of flesh, which if good, the whole body becomes good and sound and which if rotten, the whole body becomes diseased that is the heart".*

There are tight measures to prevent temptation. The Prophet (P.B.U.H) who is the model of a balanced person of psychological soundness said about preventive measures: (79) *"Beware if sitting along the road".* His companions said, there is no other way. It is where we sit and talk, he said: *"if you must sit there then observe the rules of public places".* They said, 'And what are these rules?' He said. *"Lower the eye, do not harm, return greeting, enjoin good and forbid the bad".*

It is as though the Messenger of Allah (P.B.U.H) had noticed that men sitting in the roads (on pavements) cause some evil such as embarrassing women and may also lead to temptation of men. To avoid such matters the Prophet made such a principle that may prevent evil and temptation so he said, *"Beware of sitting*". But

when he found that this embarrass and restrict men, he changed that measure and allowed them to sit but urged them to observe a number of rules that would help them avoid evils as well as temptation. At the same time such measures would preserve amiable relations among believers and consolidate their compassion and solidarity. These rules are lowering the eye, abstaining from harming others, returning greeting, enjoying the good and forbidding evil.

There is another example: On the authority of Ibn Abbas he said: [80] "Al-Fadl was riding behind the Messenger of Allah (PJB.U.H) when a woman from Khatham (a famous tribe) came along. Al Fadl kept looking at her and she at him. The Prophet (P.B.U.H.) turned Al-Fadl's face to the other side".

In another version by Tabari through Ali "the Prophet (P.B.U.H) said: "I *saw a young man and a young woman. I feared for them from Satan"* [*]. And yet the Messenger of Allah did not order the woman to avoid the gatherings of men or to cover her face with the part of her dress despite her beauty and young age. He sufficed with turning away Fadl's face. That means that avoiding the temptation of woman's face is by lowering the eye. The Prophet did not therefore introduce new rules that would restrict and embarrass the people. It was quite sufficient for him to resist temptation by instructing and guiding.

Rashid Ridah says: [81] "For sure, a woman or man is permitted to look at each other except to private parts. If the glance is with desire, its repetition is detestable. If one fears that the look might tempt to commit the forbidden then it is prohibited, not for the look itself, but as a precautionary measure

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* Al-Shawkani, the scholar said, It is deduced from Ibn Qattan the permissibility of looking when temptation is not feared, as the Prophet did not order her to cover her face. He said in his Book Nailul Awtar this Hadeeth may be a proof for the specificness of the veil verse ***"...And when ye ask (His ladies) for anything ye want ask them from before a screen that makes for greater purity for your hearts and for theirs...".*** (Surat: Al-Ahzab, verse. 53) as it concerns the Prophet's wives. The story of Fadl took place at the farewell pilgrimage while the veil verse was revealed at the time of the marriage of Zeinab, 5th Hijira year (Nailul Awtar) by Shawkani, Vol.6 Darul Jil, Beirut.

in such cases as privacy and travel.

The Wisdom behind the Story of Joseph.

Allah Almighty says: (**) ***"There is, in their stories, instruction for men endued with understanding...".*** (Surat: Yusuf, verse 111). Temptation is a common thing among men and women alike. Both parties should stick to the manners and morals commanded by Islam such as lowering the eye and so on. The Quran relates the story of Prophet Joseph and how a woman was tempted by a man's face and not vice versa, so that perhaps one could draw a moral out of it for oneself and for every person who has a heart and ears. Women should equally give and take (they have rights as well as obligations): Women are equal to men even in temptation. Islam admits women's temptation by men in a narrative method. Islam does not acknowledge it for one party and denies it for the other. Each is a human being who has a mind and passion: each has his/her points of weakness and strength.

The Quran wanted to stress the meaning that the wife of Aziz was not the only one to be tempted by the man's face (Joseph's) but a group of women were too, as Allah says: ***"When she (wife of Aziz) heard of their malicious talk, she sent for them and prepared a banquet for them: she gave each of them a knife: and she said (to Joseph), (Come out before them) When they saw him they did extol him, and (in their amazement) cut their hands: they said, 'Allah preserve us! No mortal is this. This is none other than the noble angel!".***(Surat: Yusuf, verse 31). This reflects that Islam is the religion of natural inclination as it does not deny the natural instinct between men and women. It acknowledges and confirms it, as Allah says: ***"And (with passion) did she desire him, and he would have desired her, but that he saw the evidence of his Lord..."*** (Surat: Yusuf, verse 24). But at the same time it calls for resisting temptation so that each man and woman could fulfill this desire in the legally approved manner, i.e. by marriage.

** The story of Joseph is related in a whole Surat: Yusuf including verse 111.

Because Allah created man, He is the one to know the human soul. He has therefore guided it to the ideal way of resisting temptation with a clear order to lower the eyes as mentioned before (in Surat: AL-Noor, verse 30 and 31), in addition to other manners, previously mentioned. The Prophet's saying also confirms this meaning in the Hadeeth about Fadl Bin Al-Abbas and the woman from Khath'am (82). The Prophet (P.B.U.H) saw Al-Fadl looking to her and she looking to him (83) and yet he did not order her to avoid meeting men or to cover her face because the cover would not prevent her from looking at men. On the contrary, a veil might encourage woman to look at men (especially if she is a weak one) while being too safe to be seen by anyone, (if her eyes are not covered she would be shy to look because of the people around her). On the other hand, it is impossible for a man to cover his face to

avoid woman's temptation by him. It therefore sufficed the Prophet to turn the face of Fadl away from the woman (*).

The Prophet did not restrict women by preventing them from taking part in social life and meeting men for two reasons;

The First Reason: The Prophet (P.B.U.H) would never utter a thing that contradicts the Quran such as hindering the movement of active life and which requires woman's participation together with man in social life.

The Second Reason: The Prophet (P.B.U.H) would never do injustice to women and make them responsible for men's inability to resist their temptation.

The story of Joseph reflects resistance of the soul in its highest degrees because Joseph faced an extreme temptation but he held himself back, and said: 1 fear Allah. Allah Almighty says: ***"But she in whose house he was, sought to seduce him from his (true) self: she fastened the doors and said: 'Now come, thou***

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* Ibn Hazm after mentioning the verse: ***"that they should draw their veils over their bosoms"*** said 'Allah commands them to cover their bosoms which is a textual evidence to cover the neck and bosom and is evidence for the permissibility of revealing the face. Basically, it cannot be other than that'.

(dear one!)' He said: 'Allah forbid! Truly (thy husband) is my Lord! He made my sojourn agreeable! Truly to no good come those who do wrong". (Surat: Yusuf. verse 23).

On the authority of Abu Hurairah that the Prophet (P.B.U.H) said: [84] *"Seven people will be shaded by Allah under His shade when there will be no shade but His... And a man invited by a woman of position and beauty but he says; 'I fear Allah' ".*

Man's patience and resistance of temptation -however difficult it might be- is a legal duty taught and urged by the Messenger of Allah (P.B.U.H). When temptation became strong and it was difficult for some Muslims to resist it and they tried to escape it, the Messenger of Allah denied them this and urged them to be patient in their struggle against it. It is reported by Al-Tabarani [85] that "Othman Bin Math'un said, 'O Allah's Apostle I am a bachelor and it is hard for me to stand it so permit me be castrated' the prophet said 'No but you have to fast much". Abdullah Bin Mas'ud said: [86] "We used to fight with the Prophet having nothing with us (in another version having no women) so we said, 'Shall we get ourselves castrated? He forbade us to do so".

To ban the meeting of women and men, in lawful fields, is deemed an escape from confrontation. Usually, escape results in wasting many interests and causes imbalance in the character of the escapist. Whereas striving usually achieves interests, results in good things and produces a strongly coherent personality.

Some may consider that escaping from the allowed fields in fear of temptation is a kind of self-struggle in itself, yet it is misplaced striving the reason why it may not be fruitful. As for resisting through practicing lawful things, it is a moderate and balanced striving which ultimately becomes fruitful.

Muslim women Participating with men in Social Life at the Time of the Message

There are numerous proofs as to the mingling of women and men in social life in the lifetime of the Prophet (P.B.U.H) Here are some examples:

Participation and Meeting in the Mosque.

The mosque is the first institution in a Muslim society. ***First:*** It is a centre for worship, ***second:*** a centre for knowledge and ***third:*** a centre for social and political activities. That means that the mosque at the time of the Prophet was an enlightenment centre for worship, culture and social activities for men and women alike. A Muslim woman did not only go to the prophet's mosque (because of its superiority) but also to other mosques at the outskirts and outside Al-Madina. It is reported by Abdullah Bin Omar who said: (87) "while the people were performing the morning prayer in Qubaa' a man came saying some verses of the Quran were revealed last night to the Messenger of Allah and he has been ordered to pray facing the Kaaba; so turn your faces towards it. They were facing Sham so they turned towards the Kaaba'. Al-Hafez Bin Hajjar said: (88) "the change of the direction of Qibla was shown in the hadeeth of Swailah Bint Aslam at the house of the son of Abu Hatem. She said: "the women stood in place of men and vice versa so we performed the two remaining prostrations facing the Holy House in Mecca".

The Messenger of Allah was keen on confirming the woman's right to frequent mosques and on preserving it against any aggression. On the authority of Abdullah Bin Omar (89), he narrated that the Prophet (P.B.U.H) said: *"If your women ask for your permission to go to the mosque at night allow them"*. Al-Hafez Bin Hajjar said in his commentary on this Hadeeth saying: (90) "At night means that they were not prevented from going to mosques at day time, as the night is a time that raises suspicions".

Most probably, women used to ask permission frequently to attend prayers at night (dawn, Maghreb 'early evening' and evening prayers) as the Quran is recited loudly at these prayers. They would listen to the Prophet while reciting. The following texts confirm this meaning:

- Aisha reported (91) that "Believing women used to attend the dawn prayer with the prophet (P.B.U.H).

- Umul Fadil reported (92) that "this sura (chapter of Those

Sent Forth -77) was the last I heard from the Prophet (P.B.U.H) while reciting it in Maghreb Prayer".

- Umra Bint Abdul Rahman [93] reported through her sister "I learned surat Qaf (which starts with Q and the Glorious Quran) from the mouth of the Messenger of Allah (P.B.U.H.) while he recited on the minbar every Friday".

All this shows that women used to go to mosques during these prayer times to listen to the Quran while praying as well as to listen to religious advice and instructions because not all fathers or husbands are capable of giving true advice and preach effectively.

Despite an incident of rape which took place while a Muslim woman was on her way to the mosque for down prayer (the story is referred to in the section about testimony), the Messenger of Allah did not say a word to restrict women from going to the mosque at dawn. Despite Omar Bin Khtaab's excessive jealousy, he could not prevent his wife from going to the mosque at night [94] This shows that despite the guardianship of a father or husband of a woman, Islamic law has not allowed them to prevent her from frequenting mosques; When a woman seeks to listen to the Quran from an Imam who prolongs in his recitation and who is good at it and when she seeks to listen to instructions after prayer or listen to the Friday speech or meet with women believers to cooperate for the sake of the good of the community, she will be rewarded for her good intentions and for the good she seeks. True what the Prophet (P.B.U.H) said that: [95] ***"whoever comes to the mosque for something the thing will be his lot".***

This same meaning is conveyed in what Imam Malek said: [96] "whoever attends Friday prayer, other than men, in pursuance of good should have a bath and observe the rest of the Friday manners". This means that a woman could wish for attaining goodness on attending Friday prayer. If the man is in need to listen to preaching every Friday, as the legislator commands, the woman is in no less need for it.

The Messenger of Allah (P.B.U.H) said nothing to forbid woman from carrying her child with her in the mosque as there might not be anyone to look after him in her absence.

Anas Bin Malek reported that the Prophet (P.B.U.H) said: [97] "Whenever I start praying, I intend to prolong it, then I hear a child crying, so I curtail it, being aware of the mother's worry about her child's crying (in another version-lest it would be hard for his mother)".

However, woman's going to mosques is an extra prayer deed, for which they undergo difficulties such as going out at night in the darkness, in the crowd, in the heat, in the cold and when it is raining and could be accompanied by their children.

Ibn Hazm says: [98] "The Messenger of Allah (P.B.U.H) never stopped women from praying with him in his mosque until the time of his death and never had any of the Caliphs after him. No doubt this is a good deed and had it been otherwise the Prophet (P.B.U.H) would have never approved it or left women to face such difficulty in vain or rather be harmed."

<u>Accepting an Invitation for a public Meeting</u>

Fatima Bint Qais reported: [99] "I heard the Prophet's muadhen (one who calls for prayer) calling for a mass prayer. So I went along like the others." To this meaning Imam Ibn Al- Qyyem said, "The Prophet (P.B.U.H) approved of women going out, walking in the streets, frequenting mosques and listening to speeches for which people were called to attend.

<u>Seeking Martyrdom and Participating in the First Sea Battle</u>

Anas Ibn Malek reported: [100] *The Prophet (P.B.U.H) said: "Some people of my nation were shown to me while fighting for the cause of Allah while sailing by sea like kings on their thrones."* Um Haram (who was present there) said: "pray for me so that I would be one of them". The Prophet prayed for her and said, "*you are among the foremost.*" She sailed at the time of

Mu'awiya and fell from her mount when getting off the ship and died immediately. This was during the First Islamic Sea Battle. She was buried in Cyprus".

<u>Meeting in Pilgrimage</u>

Umul Fadl Bint Al-Hareth narrated: (101) "Some people argued, at her place on the day of Arafa, about the Prophet being fasting. Some said he was fasting while others said he was not. So she sent him a cup of milk while he was mounting his camel and he drank it. Al Hafez Bin Hajjar said: (102) "The lessons we draw from the Hadeeth are: debating by men and women and the wisdom of Umul Fadl who discovered the legal rule by this appropriate way and it was a hot afternoon".

<u>No Embarassment in Dealing between Men and Women in the Mosque</u>

Asma' said: "The Messenger of Allah (P.B.U.H) mentioned temptations which lead to torture in the grave. On mentioning that the Muslims made a noise that made it difficult for me to hear the rest of the Prophet's talk. When the noise abated I said to a man sitting nearby: May Allah bless you what did the Prophet say towards the end? He replied that the Prophet (P.B.U.H.) said: "It was revealed to me that you will be tempted in the graves." (103).

<u>Participations and Meeting in Jihad (Fighting for the cause of Allah)</u>

On the authority of Anas, he said: (104) "On the day of Uhud, the people went away from the Prophet (P.B.U.H) and I saw Ai'sah Bint Abi Bakr and Umu Sulaim with their robes tucked up revealing their ankle bracelets and were carrying water skins on their backs transferring them hurriedly as if they were jumping. They were pouring water into the mouths of the people and then go back to fill them and come back to empty them in the mouths of the people". Al-Rubay's Bint Mu'with said: (105) "We were with the Prophet (P.B.U.H) in conquest. We used to provide water and

serve the people and transfer the wounded and the killed to Madina". Rashid Ridah said: (106) "Women used to travel with men to battles, they served and provided water to the wounded. Among them were the Prophet's wives. The women of Muhajereen (immigrants) fought side by side with men in Yarmuk battle. They used to serve guests and sue men before Caliphs and rulers".

Participation in Feast Celebration

Sahih Al-Bukhari is full of chapters that draw a full picture of women talking part with men in celebrating the feast at the time of Allah's Messenger (P.B.U.H.). Umu Attia narrated: (107) "We were ordered to go out on the day of Lesser Bairam and even to bring virgins (young girls who are not yet married) out of their quarters and menstruating women to stand behind men at the feast prayer. They used to say Takbir with men and pray to Allah along with men hoping for the blessings and purification of the day." It was not a matter of praying only but celebrating the feast with the participation of all: men, women, girls, the old and those who did not take part in prayer for some excuse, joined in Takbir saying words of praise to Allah. Ibn Daqiq Al-Eid says: "her saying (Umu Attia) hoping for the blessings and purification of the day indicates that she is justifying their going out".

Umu Attia also said: (108) "Our Prophet (P.B.U.H) ordered us to take out unmarried adults and virgins to attend the Eid prayer."

Al-Hafez Bin Hajjar said: (109) "The reason behind young and menstruating women going out is to manifest Islam's excessive keenness on making people assemble and on making blessings shared by all. Their going shows that it is preferable that women attend the functions of the Bairam and Lesser Bairam (two Eids). Umu Attia also said: (110) "O Messenger of Allah, if a woman has no dress, is there any harm if she does not go out? He said, ***'let her friend give her (of) a dress.'*** Al-Hafez Bin Hajjar said: (111) ***"of her dress"*** means lend her a dress she does not need.

Ai'sha related that (112) "Abu Bakr came to my place while

there were two slave girls of the Ansar singing. Abu Bakr said, "singing with the devil's instruments at the house of Messenger of Allah on the day of the feast?! The Messenger of Allah (P.B.U.H) said, ***'O Abu Bakr! Every people have their feast and this is our feast'***. Ai'sha also related: (113) "It was a feast day when the black people were playing with their shields and spears. The Prophet (P.B.U.H) asked me ***'would you like to watch?' I*** said 'Yes'. So he made me stand behind him cheek to cheek and he said to them, "Carry on people of Arfida (old name of Ethiopia) (as an encouragement to them).

Abu Hurairah reported (114) that, "while the Ethiopians were playing with their spears adjacent to the Prophet (P.B.U.H) Omar came in. picked up some small stones and threw them at the Ethiopians".

Islam that encourages women to take part in good festivities, is the same that orders them to wear decent clothes and lower the eye. The previous Hadeeth decisively determines the permissibility of watching such games. Al-Aiadh said: (115) "Woman could watch strange men because it is only detested to look at their beauty and enjoy it". Al- Bukhari reported this in the chapter on "women watching Ethiopians and alike without suspicion".

Meeting during Visits.

Abu Moussa reported: (116) "... and came Asma'Bint Umeis who came with us to visit Hafssa wife of the Prophet (P.B.U.H). She had immigrated among others to Ethiopia. Omar (father of Hafssa) came in to see Hafssa while Asma was with her. Omar said who is she?. She said Asma' Bint Umeis. Omar said is she the Ethiopian? Is this the sea-faring lady? Asma' said yes".

Participation in Banquets and Weddings

Sahl narrated that on the wedding of Abu Assid Al-Sa'di, the Prophet (P.B.U.H) invited his companions. None prepared food and brought it to them but his wife Um Assid; she soaked some dates in water in a stone-made pot..." Al-Bukhari reported this

Hadeeth in chapter of women serving men in weddings. Al-Hafez Bin Hajjer said: [117] "This Hadeeth shows that the woman is permitted to serve her husband and his guests..."

Anas related that [118] "The Messenger of Allah had a Persian neighbour who made tasty broth. He made some broth for the Prophet (P.B.U.H) and invited him to eat with him. The Prophet (P.B.U.H) said: *"what about her (referring to Ai'sha)".* He said: no. So the Prophet said: *'No '*. He reinvited him so the Prophet said for the second time, *'what about her?'* He said: no. The Messenger of Allah said: *'No'*. He reinvited him. The Prophet said for the third time *'what about her?'* He said: yes. The Prophet and Ai'sha rushed one after the other until they reached the man's house.

The Hadeeth clearly indicates that the family can meet for dinner. It has nothing to indicate that they did not eat together. It is most probable that they ate together as other Hadeethes referred to men and women eating together [119].

Meeting during Enquiries

Abu Juhaifa narrated that the Prophet (P.B.U.H) established a brotherhood bond between Salman and Abu Al-Dara'. Salman was visiting Abu Al-Dara' when he saw Umu Al- Dara, wearing shabby clothes. He asked her what is the matter with you? She said: "Your brother Abu Al-Dara' is not interested in worldly luxuries..." [120]. Here we find a companion who enters the house of his brother in Allah and when he sees his wife shabbily dressed he enquires about the reason and she on her part replies frankly without embarrassment.

Meeting while Enjoying the Right and Forbidding the wrong.

Qais Bin Abi Hazim narrated that: [121] "Abu Bakr came to a woman from the tribe of Ahmos. She was called Zeinab Bint Al-Muhajer. Abu Bakr found her silent so he asked: why doesn't she talk ?. He was told that she made an oath to perform pilgrimage while keeping silent. He told her speak for this is not allowed. It

is from the doings of pre-Islamic times. The woman spoke".

Subaiaa (122) narrated that "...after delivery, she adorned herself for suitors. Abu Al- Sanabel came to her and said, 'Why do I see you adorned for suitors?..." (So here we have one of the first immigrants who took an oath of allegiance, a wife of a companion who took part in the battles of Badr, Uhud, Al-Khandaq and Al-Hudaibia, and she is adoring herself once she recovered from delivery. A companion comes in and sees her adorned with eye antimony and henna in her hands. But he denies her what she has done thinking that the post-delivery period is not yet completed).

Meeting While Men Seek the Knowledge of women

Abu Mussa (123) related "...when the Prophet (P.B.U.H) came Asma' Bint Umeis said: "O prophet, Omar said: we have migrated before you" we are more entitled than you in the Prophet's company (P.B.U.H). The Prophet asked her, *"What did you tell him? "* she said: "I told him no, by Allah! While you were with Allah's Messenger (P.B.U.H), who was feeding the hungry amongst you and instructing the ignorant, we were in the far-off hot land of Ethiopia for the sake of Allah and His Messenger (P.B.U.H). We were harmed and frightened" The Prophet said: *"He (i.e. Omar) is not rightful in me than you are. He and his companions have the reward of one immigration while you and the people of the boat have the reward of two immigrations*". "I saw Abu Mussa and the other people of the ship coming in scores asking about this Hadeeth. Nothing was more cheerful and of great importance to them than what the Prophet (P.B.U.H) said. "Asma' said. "I saw Abu Moussa requesting me to repeat the Hadeeth again and again".

Meeting when Offering Help

Asma' Bint Abu Bakr related that: (124) "I used to carry date stones on my head from the land of Azzubair. One day I was carrying the date stones on my head when I met the Prophet

(P.B.U.H) riding with a few men of Al-Anssar. He offered me a ride behind him but I felt shy to be in the company of men and I remembered the jealousy of Azzubair as he was one of the most jealous men". This is a clear proof as to the lawfulness of non-impudent mixing. If such a behaviour contradicted Islamic manners, the Messenger of Allah would have never offered her a ride while being in the company of some Ansaris.

It is mentioned in Fathul Bari: [125] "Al-Muhalab said, the Headeeth shows that it is permitted for a woman to ride behind a man in a procession of men". Ibn Abbas said: [126] "I attended the Lesser Bariam prayer with the Prophet (P.B.U.H) who afterwards, accompanied by Bilal crossed the rows of men until they reached the women. The Prophet (P.B.U.H). said: *'give away charity'* then Bilal spread his garment and the women started throwing their gold rings in his garment". Hafez Bin Hajjar said: [127] The women's initiative to give away in charity their dear gold rings in a time of need, is an indication of their high status in faith and their keenness on obeying the Prophet's commands".

Zeinab wife of Abdullah Bin Massoud said: [128] "I was in the mosque when 1 saw the Prophet (P.B.U.H). He said "Donate charity even of your jewellery". Then Bilal passed by so we said: "Ask the Prophet whether I could pay charity to my husband when I have orphans.We told Bilal not to tell him about us. Bilal went to the Prophet (P.B.U.H.). who asked him *"who are they? "* Bilal replied, 'Zeinab'. The prophet said, *'which of the Zeinabs?* "He said "wife of Abdullah" He said *"yes, and she is rewarded twice: for relationship and for charity "*.

Unless most women were not veiled and recognized by men, the Prophet (P.B.U.H.) would not have asked which of the Zeinabs? And Bilal would not have directly mentioned Abdullah.

Meeting during Travelling

On the authority of Abu Mussa he said: [129] "We heard about the Prophet's (P.B.U.H) migration (from Mecca to Madina) when we were in Yemen. So we followed him as immigrants to

Madina. We boarded the ship which brought us to the Negus in Ethiopia. We met the Prophet (P.B.U.H) at the time of Khaibar conquest. Asma' Bint Umeis came in. She was among those who came with us to Madina, as she had immigrated to Ethiopia with those who immigrated to Ethiopia...".

Ashafi said about the travelling of women: [130] "A woman travels in time of safety and does not need anybody; she can walk (travel) along in the company of a convoy and she will be safe".

Imam Malek said [131] in his reply about a woman who wants to pilgrimage and yet has no guardian. "She can go in the company of a group "of men and women whom she trusts".

Meeting while Testifying in Court and at Execution of Penalty.

Allah Almighty said: ***"And get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as you choose, for witnesses, so that if one of them errs, the other can remind her..."****(Surat:* Al-Baqarah, verse 282). Imam Bin Qayyem said: [132] "Women's presence when (reuniting) after divorce is easier than their presence while writing documents and debts as well as their presence at the time of writing a will on the death bed. If the Legislator permits the testimony of women concerning debt bounds written by men and mostly among a group of men, it is more agreeable and acceptable that women attest to such as bequests [*].

Meeting while Visiting a Sick Person.

Al-Bukhari mentioned in a chapter of women visiting sick

* A woman's need to deal with people in her life affairs, necessitates that her identity be known for those with whom she deals whether she is buying or selling, authorizing or being authorized, a witness, a claimant or defendant. And there is a consensus on the part of jurists that a woman has to reveal her face before the judge, the witnesses and opponents in court so that they would identify her. It is impossible to recognize her unless her face was known to the people before. otherwise revealing her face in court would be useless (Al-Qaradawi p.325).

men that [133] Umm Al-Darda' came back from visiting a sick man of the Ansar who was staying in the mosque. Also Umm Mubasher Bent Al-Abrra' Bin Marout visited Kaab Bin Malek on his death bed. She entered his place.

The prophet's (P.B.U.H) saying: [134] *"visit the sick"* or *"whoever visits a sick person"* or *"if he becomes ill, visit him"* is undoubtfully, not confined to men. Such general proof is sufficient to indicate the lawfulness of women visiting men under agreed upon manners and the determined legal restrictions [135].

Concerning men visiting their sick brothers in the presence of women, it is reported that Saad Bin Ubada fell sick, so he was visited by the prophet (P.B.U.H) together with Abdul Rahman Bin Auf. Saad Bin Abi Waqqas, and Abdullah Bin Mossaud. When the Prophet (P.B.U.H) entered his room he found him surrounded by members of his family attending him [136]. Aisha narrated that [137] Saad was injured on the day of Khandaq battle so the Prophet (P.B.U.H) pitched a tent in the mosque so that he could visit him". Al-Hafez Bin Hajjar said:[138] ".. The prophet (P.B.U.H) made Saad stay in the tent of Rafida, who was a woman nursing the wounded, near his mosque. He said, *"Move him into her tent near me so that I could visit him"*

Al- Tabaran [139] reported on the authority of Qais Bin Hazm that "We came to visit Abu Bakr during his illness, we saw a woman with a tatoo on her hand, driving flies away from him. She was Asma Bint Umeis (his wife).

Doing favours and good things might be of a moral nature such as extending congratulations on occasions, visiting a sick person, giving support in calamities. All such things are good deeds urged by the wise Legislator. The writer poses a question: Is there any way to exchange such noble feelings between men and women unless they meet? Isn't it enough for the people to fear Allah and avoid temptation then they could manifest their noble feelings in meetings where manners ordained by Allah are observed?

Participation in Response to Allah's Call

There is a Quranic text that reflects Islam's sublime outlook to woman in her capacity as a fully competent human being exactly like man. The text is related to women taking part in supplication. Allah Almighty says: ***"...Say: Come! Let us gather, together, our sons and your sons, our women and your women, ourselves and yourselves: then let us earnestly pray, and invoke the curse of Allah on those who lie!".*** (Surat: Al-Imram, verse 61).

Rashid Ridah commented: (140) "In the verse we see a command for women to join men in meeting for national contesting and religious strife. The command is based on the fact that man and woman are alike even in public matters except in certain aspects such as actually taking part in fighting. Her share of struggle for the cause of Allah (Jihad) is serving the warriors by nursing the injured. We thus know that the wisdom behind calling for supplication is to show trust. For, if Allah did not know that believing woman are of deep-rooted faith as believing men are he would not have included them in this command".

The absence of extreme sensitivity towards the meeting of men and women in one place reflects of the Prophet's outlook to woman as a human being rather than a mere sexual toy. If the Prophet (P.B.U.H) were inclined to drive women away from meeting men, even if it is a decent and respectful meeting, she would not have been allowed to pray in the mosque. If the case was so, the Messenger of Allah (P.B.U.H) would not have persistently ordered women to attend feast prayer even the young virgins and other women during the monthly period. The Messenger would not have also urged women to perform pilgrimage more than once -the extra pilgrimages- when he knows how men and women meet there and how women have to push their way through men. It would have been better for the Messenger of Allah (P.B.U.H) to draw the attention of a woman who takes her child with her to the mosque to stay at home. He would not have abstained from prolonging the prayer-despite its virtue- for the sake of making a woman attend mass prayer,

having her child with her. Had permanent separation between man and woman been a virtue that characterizes the Muslim society, the Messenger of Allah would have taken some arrangements to realize the virtue such as:

- Putting curtains between the rows of men and women in the mosque.
- Allocating a private place, away from men for women to enquire about legal matters and review their cases with the Messenger of Allah (P.B.U.H).
- Fixing a special time for the circumambulation of men and another for women.

Finally, if permanent separation is a virtue for all women, the Prophet (P.B.U.H) would not have prayed for Ummu Haram to set out with Mujahideen (Muslim fighters) at sea and become a martyr for the cause of Allah.

When signs of sternness appeared at the time of the Messenger of Allah (P.B.U.H), he adopted a firm stand against it.. Ai'sha narrated, "The Prophet (P.B.U.H) made something that became licensed for people. But they abstained from doing it. When the Prophet knew about it, anger showed on his face and he said: *"Why did the people abstain from doing something that I did myself. By Allah, I know Allah better than them and I am the most fearing of them of Allah*" [141].

<u>Signs of Moral Weakness after the Time of the Prophet (P.B.U.H).</u>

Such signs were manifested in bigotry concerning women. Jealousy was set free from its legal control. The commands of Islamic law controlled the jealousy of Omar Bin Al-Khatab (he did not prevent his wife from going to the mosque at night because the Messenger of Allah forbade it), but his grandson Bilal Bin Abdullah Bin Omar did not control his jealousy. Under the pretext of preventive measures against temptation he said: 'they (women) take it as a "means of deception". His father Abdullah

Bin Omar did not approve of his son's sternness. He told him not to hold her back and affirmed the necessity of adhering to the sunnah of the Prophet (P.B.U.H). On the authority of Abdullah Bin Omar he said: [142] "I heard the Messenger of Allah (P.B.U.H) say: *"Don't prevent women from going to mosques when they ask your permission "*. Bilal Bin Abdullah said: "By Allah we will prevent them as they take it as a means to fool their husbands. Abdullah swore at him as he had never done before and told him, "I am telling you about the Messenger of Allah (P.B.U.H) and you say by Allah we will prevent them?".

A Quranic Portrayal of the Lawfulness of Mixing

Allah Almighty says: ***"And when he (Moses) arrived at the watering (place) in Madyan, he found there a group of men watering (their flocks), and besides them he found two women who were keeping back (their) flocks. He said: "What the matter with you?" They said: "We cannot water (our flocks) until the shepherds take back (their flocks); and our father is a very old man. So he watered for them; then he turned back to the shade, and said: 'O my Lord! truly am I in (desperate) need of any good that Thou dost send me! Afterwards one of the (damsels) came (back) to him, walking bashfully. She said: "My father invites thee that he may reward thee for having watered (our flocks) for us." So when he came to him and narrated the story, he said: "Fear thou not: (well) hast thou escaped from unjust people."*** (Surat: Al-Qasas, verse 23, 24 and 25). He also says: ***"... So Allah sets forth parables for men (people) in order that they may receive admonition"*** (Surat: Ibrahim, verse 25). The meeting of Moses with the two daughters of Shoeib sets an example to good behaviour between men and women. Allah introduced the story in a narrative [*] way that revealed how the two sexes should behave. Moses a strong man, did not avoid the two young girls as a precaution against temptation. He did not

* The narrative method is one of the most effective in giving advice and guidance. It is more effective than direct advice.

either look at them as devils of temptation and seduction as one of the poets once said: (women are devils created for us and we seek Allah's refuge from the evil of devils).

So let us leave aside the poet's saying and let us follow the proper path that Allah has established for all people, especially befitting honest men and women who abide by legal manners perhaps we may be guided to the straight path. Moses was not embarrassed to ask them *"What is the matter with you?"* - And the two girls were not embarrassed to speak with a stranger whom they see in town for the first time. They immediately answered him, *"we cannot water (our flocks) and our father is an old man".* This behavior shows us that women ought to avoid crowds of men as much as possible. The chivalry of Moses urged him to offer help no matter if the help is for men or women, young or old, it is life where men and women live together and exchange good deeds without embarrassment or awkwardness. The two girls did not refuse to accept the help of a stranger. Moses went to the shade and said, *"O my Lord! truly am I in (desperate) need of any good that Thou dost send me!"* Allah the Exalted did enrich him through Shoeib who sent him one of the girls, finding no awkwardness in doing so. He did not refrain from sending her to avoid temptation. The girl went to him timidly, this being a description of the way that an honest woman should be, as shyness is an aspect of faith.

Thus, their meeting at the outset was for extending help purely for the sake of Allah. But the meeting was fruitful when later on Moses married the girl, as Allah does not waste the reward of one who has done a good deed.

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9- Al-Manar Quranic Interpretation, Op. cit, Vol. 1, P. 115. This distinction is founded on a general rule in Islamic Law; No. obligation beyond one's ability; as Allah says: ***"On no soul doth Allah place a burden greater than it can bear...".***

(Surat: Al-Baqarah, verse 286).

10- Narrated by Ahmad and in Al-Sunnan, except Nessai', through Ibn Abbas.

11- Al-Bukhari, the ***Book of Manners***, and narrated by Abu-Dawood from him.

12- Narrated by Abu Dawood and Al-Hakim, through Abu-Hurairah.

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14- Sheikh Al-Medani, ***Minbar Al-Islam,*** No. 1, year 19, P. 16 and 17.

15- Mahmoud Abdul Hameed Muhammad, indicates in a note in his book: ***Rights of Woman in Islam and Other Religions,*** Loc.cit, p. 78, that guardianship as a result of spending is recognized in constitutional laws, "Who spend or pays has the right to control," as said in French; Qui pay'e controle".

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CHAPTER THREE

MARRIAGE, DIVORCE AND POLYGAMY

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FIRST: MARRIAGE

It was the will of Allah to populate the earth with creatures and to make Adam His successor. Allah honoured Adam and his offspring and has favoured them to all other creatures.

Allah the Almighty said: ***"We have honoured the sons of Adam..."*** (Surat: Al-Israa, verse 70). It was His will that creatures multiply until Dooms Day. He created a couple of everything so that multiplication would take place. He made such production one of the signs of His omnipotence. He said: ***"And of every thing We have created pairs; that ye may receive instruction"*** (Surat: Al-Zariyat, verse 49).

Before flood invaded the earth, Allah commanded Noah to take on board creatures that would restore life on earth: ***"...Then when comes our command, and the fountains of the earth gush forth, take thou on board pairs of every species, male and female..."*** (Surat: Al- Mu'minun, verse 27).

It is mentioned in the Bible: (1) *"God said to Noah You are to bring in the ark* two *of living creatures, male and female, to keep them alive with you. Two of every kind of bird, of every kind of animal and of every kind of creatures that moves along the ground will come to you to be kept alive*".

Marriage is the nucleus from which a family is created and from families nations are created. By means of procreation, the human kind remains as long as this life remains. The human kind could remain by absolute sexual freedom like other animals but this does not befit the human being whom Allah honoured and favoured.

What an adverse effect does the so called sexual freedom have on human society! It leads one to break free (set loose) from the restrictions of virtue and the spread of vice and diseases (such as the nowadays prevailing AIDS which is (terrorising people). This way a man fulfils his sexual desire just like an animal does while the woman is humiliated in such a way that her dignity is marred (she is disgraced).

The marriage contract is not meant to merely fulfil the lust but it is meant to satisfy interests of both parties. But Allah has associated it with the fulfillment of lust the reason why both the obedient and the disobedient wish for it: the former for the religious meanings it implies and the latter for lust" [2].

No Monasticism in Islam

Populating the earth necessitates marriage and procreation, which if are nonexistent, human life would not have taken the course Allah wanted since the beginning of creation. It was by His will that human life started with one couple: Adam and Eve from whom many men and women were produced. Allah Almighty says; **"O *Mankind! reverence your Guardian Lord, who created you from a single person, created of like nature, his mate, and from them twain scattered (like seeds) countless men and women..."*** (Surat: Al-Nisaa, verse 1).

He also said addressing Muhammad (P.B. U.H): ***"We did send Messenger before thee, and appointed for them wives and children..."*** (Surat: Al-Ra'd, verse 38). For each of Noah, Abraham, Isaac, Jacob, Moses, David and Solomon got married and neither Prophethood nor the message prevented any of them from getting married.

Al-Bukhari and Muslim reported on the authority of Anas that he said: [3] *"A group of 3 men came to the house of the Prophet's wife to enquire about the way he worshipped Allah. They said how could we aspire to attain the status of the Prophet. His past and future sins are forgiven. One of them said, "As for*

myself I pray all night long". The second said, "I fast the year round and never break my fast for one day". The last said, "I keep myself away from women and I never married". When the Messenger of Allah (P.B. U.H) was informed about them, he went to them and said, Are you the ones who said so and so? By Allah I am more fearing of Allah and more pious than you but I fast and break the fast, I pray and sleep and marry women. So he who does not follow my tradition is not of me (not of my followers)".

On the authority of Abdulla Bin Massoud he said: *"We were a group of young men with the Prophet (P.B. U.H) having no means. The Messenger of Allah told us "O young men whoever has the means to get married, let him marry for it helps him to lower the eye and guards his modesty (prevents him from committing adultery). He who cannot affored marriage let him fast to abate his lust"* [(4)].

Therefore, he who cannot marry should fast much because it diminishes his lust and should occupy himself with worship and sports or pursue knowledge and keep himself away from anything that is likely to arouse his desire. Allah Almighty said: ***"Let those who find not the wherewithal for marriage keep themselves chaste until Allah gives them means out of his grace..."*** (Surat: Al- Nour, verse 33).

No Prophet abstained from marriage except Prophet Yehia whom Allah described as ***"Noble and chaste"*** (Surat: Al- Imran, verse 39). (The word chaste here means restrained himself from prohibited desires).

Jesus Christ- son of Marry was likewise. Perhaps the act of not marrying on the part of some prophets and messengers reflected a strong will, The marriage of other prophets is considered a licence so that they would set examples for others to follow because celibacy is against the human nature-Allah says: ***"...to the pattern on which. He has made mankind, no change (let there be) in the work (wrought) by Allah..."*** (Surat: Al-Roum, verse 30).

In his first letter to the Corinthiens [5], St paul says:

1. It is well for a man not to touch a woman. But because of the immorality, each man should have his own wife and each woman her own.

07. I wish that all were as I myself am. But each has his own special gift from God one of one kind and one of another.

27. Are you bound to a wife? Do not seek to be free. Are you free from a wife? Do not seek marriage.

28. But if you marry you do not sin, and if a girl marries she does not sin. Yet those who marry will have worldly troubles, and I would spare you that.

32. ... The unmarried man is anxious about the affairs of the Lord. How to please, the Lord, but the married man is anxious about worldly affairs, how to please his wife and his interests are divided...

39. A wife is bound to her husband as long as he lives. If the husband dies, she is free to be married to whom she wishes, only in the Lord. But in my judgment he is happier if she remains as she is. And I think that I have the Spirit of God.

Islam and Christianity adopt a similar outlook towards the gravity of adultery. When St Paul said: *"But because of the immorality, each man, should have his own wife"* he means a man should guard himself by marriage because not all men could keep themselves chaste without marriage. For, each person has his own special gift granted to him by Allah and so marriage will keep one away from sin. But Islam disagrees with Christianity in its view about the unmarried being anxious about the affairs of the Lord while the married is interested in how to please his wife.

Islam urges men and women to marry in pursuance of religious, moral and social benefits and because marriage conforms to human nature.

Al-Tabari says: "Celibacy which Othman Bin Mathoun meant was to prohibit women, perfumes and all other pleasures[6].

That is why Allah revealed for his sake this verse: *"O ye who believe! Make not unlawful the good things which Allah hath made lawful for you..."(Surat:* Al- Maida. verse 87, Eng: 90).

The Marriage of a Male Muslim from a Christian or a Jew

Islam allowed Muslim men to many Christian or Jewish women because women of the Book believe in Allah and worship non but Him and believe in messengers as well. They believe in the necessity of enjoining the right, forbidding the wrong, and in the hereafter and the Day of Judgement, yet they do not believe in the Prophethood of Mohammed (P.B.U.H). But those who believe in previous messengers could be only prevented from believing in the last of the prophets by their ignorance of the content of his message.

Othman Bin Affan married a Christian while Huthaifa married a Jew. When Jaber was asked about the rightness of marrying a Jew or a Christian he said "We married them at the time of conquest with Saad Bin Abi Waqqas" (7).

Allah Almighty says: ***"This day are (all) things good and pure, made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues..."*** (Surat: Al- Maida. verse 5, Eng: 6). This is a clear-cut text that allows Muslim men to marry women who believe in the Book.

Engagement:

The Legislator has attached rulings to the procedures or say preliminary phase of marriage i.e. engagement. That is so because of the sanctity and significance of the marriage contract, being the most serious of contracts due to its lofty meaning and goals which make marriage a sort of worship rather than being classified under dealings. Since it is the human life contract, the legislator

has attached rulings to its introduction.

The engagement is a preparatory phase for both sides leading to the contract if their wishes meet and if they are inclined to each other.

It is reported that Al-Mughira Bin Shoaba proposed to a woman. So the prophet (P.B.U.H) said: "Look at her for it is best that love and amiability continue between you"(8).

This same wisdom would be perfectly realized if the woman also looks at her fiance to be sure about her husband -to- be. Abu Ishaq Al-Shirazi writer of Al-Muhathab says: "A woman is allowed to look at the man whom she wishes to marry because she likes in a man what he likes in her"(9).

Ibn Al-Gawzi said: " Whoever is able to speak to a woman in order to attract her attention and to see her talking let him do so for beauty lies in the mouth and eyes"(10).

Muslim women used to give their opinion in their suitors in such a way that indicates their freedom in this respect to a great extent. A woman would even be frank with her suitor about what she liked and disliked about him. She was not prevented from seeing her betrothed and coming to terms with him (11).

Omar Al-Telmissany comments on a girl's freedom "If more than one suitor proposed, she alone has the right to choose among them. Omar Bin Al-Khattab, Ali, Al-Zubair and Talha proposed to Umu Abban Bint Uqba and she chose Talha and rejected the rest including the Caliph Omar Bin Al-Khattab and preferred to him one of the subjects: no enforcement, no authority and no anger..." (12). This is an evident proof of a woman's freedom to choose a husband.

In Islam a woman can dictate her terms to the suitor without embarrassment She even used to make conditions for herself and for others. For instance, Umu Samra Bin Jundab made it a condition for whomever wishes to marry her, among her many suitors, to support her son Samra until he is able to support himself. She got married under this term (13).

A woman is allowed to propose to a good man

Thabit Al-Banani said: "I was at Anas' whose daughter was present Anas said: *"A woman came to the messenger of Allah (P.B.U.Hj and offered herself to him. She said: 'O Messenger of Allah don't you need me? In another version she said 'I came to present myself in marriage for you'. Anas's daughter then said "what a shameless woman! shame shame " Anas said "she is better than you ". She had a liking for the prophet so she offered herself to marriage to him*" [14].

We find the same thing in the story of Moses when Shoieb offered one of his two daughters to Moses Allah Almighty says: ***"He said: "I intend to wed one of these my daughters to thee..."*** (Surat: Al-Qasas, verse 27). After the father sensed his daughter's admiration of him when she said: ***"O my (dear) father! Engage him on wages: truly the best of men for thee to employ is (the man) who is strong and trusty"*** (Surat: Al-Qasas, verse 26).

Regulating the Sexual Power

Marriage is the mainstay of a settled family in which rights and duties meet under a religious link whereby one feels that he/she is fulfilling his obligation towards the other in observance of a religious command and a sacred bond that makes man's humanity sublime. It is a marital relation that befits man's loftiness and raises him above animals whose sexual relations are merely governed by beastly desire.

"Principally, the sexual drive is a biological matter without which life cannot continue on earth. Islam is keen on achieving the sublime aims of life. Therefore, Islam respects whatever leads to realize such objectives. Yet Islam sets regulations and restrictions to govern the implementation of such goals after recognizing their existence as well as recognizing the people's right to feel such things"[15].

Allah the Almighty did not wish to set the natural sexual relations between man and woman free from regulations as the

case is with other creatures whose instincts are inclined toward sexual freedom. Allah has therefore ordained marriage to prevent mixture of family lineage, to protect the people against the sense of loss and so that husband and wife would get their instinctive right in a legal way. Islam is keen to urge people to get married in many verses of the Quran to prevent fornication, such as in, ***"...except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property, desiring chastity, not lust..." , "...andgive them their dowers, according to what is reasonable: they should be chaste, not lustful, nor taking paramours..." and " (Lawful unto you in marriage) are (not only)chaste women who are believers, but chaste women among the People of the Book, revealed before your time, when ye give them their due dowers, and desire chastity..."*** (Surat: Al-Nisaa, verse 24 and *25,* and Al-Maida, verse 5, Eng: 6).

The Marriage Contract (*)

Marriage makes a small institution i.e. the family which is the nucleus of the society. The more the nucleus is settled the more the society becomes settled and strong. The small institution is governed by a contract which Allah described in ***"...And they have taken from you a solemn covenant?"*** (Surat: Al-Nisaa, verse 21).

Islam made the marriage contract a civil and religious one that represents the law of the partners, founded on affection, mercy and good companionship. Islam gave the woman the right to dictate certain terms in the contract. For instance it granted her the right to condition her right to divorce herself, a matter which is not found in any other law.

* Marriage in Islam, is a public voluntary contract based on "mutual giving" by the married couple in their person in accordance with rules of Sharia, Each is to enjoy the other in such a way that was prohibited for them before the contract (Second Paris symposium, Summary of human rights in Islamic law and their application in Saudi Arabia, The Status of Woman in Islam, Darul Kitab Al-Lebanoni, Beirut, November2. 1974, p.21

Uqba reported that the Prophet (P.B.U.H) said: *"The stipulations most entitled to be fulfilled are those conditions of the marriage contract"* (16).

It is reported that a man married (17) a woman providing that she only lives in her house. Later on he wanted to move her to his house so they quarreled and went to Omar who said. "Let her have her condition. The rights are decided by conditions stipulated".

Thus, if the second party accepts the conditions of the first party he/she should fulfil it. Allah the *Almighty* said: ***"Oye who believe! Fulfil (all) obligations..."*** (Surat: Al-Maida, verse 1).

Points that should be Observed in the Marriage Contract-Freedom of choice:

Islam made the woman's approval a condition for her marriage. The Messenger of Allah (P.B.U.H) Said: *"A previously married woman should not be given in marriage unless she is consulted while the virgin not be given in marriage unless with her permission..."* (18).

A woman has the right to make a free choice and her guardian is not allowed to force her to marry a man she does not want. Yet her guardian could help her in that choice but without forcing her to accept a particular person. The guardian has no right to prevent her from marrying a person she chooses as long as he is compatible to her.

Islam forbade guardians from doing this as in Allah's saying: ***"...Do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms..."*** (Surat: Al-Baqarah, verse 232), This is the kind of man's guardianship to woman before marriage. If the guardian disapproves the marriage, he becomes a hindrance and guardianship is shifted to the judge to conclude the marriage because preventing a marriage is unjust and it is the duty of a judge to lift any injustice..

But the girl's freedom is not parallel to despotism. For life

within a family necessitates exchanged obligations between parents and children like any social life in any country whose citizens or even residents should abide by its rules and laws. These are restrictions of freedom. The family's guardianship of the girl is a matter dictated by social life. For example if a girl wishes to marry an incompatible man, the father has the right to object before the judge only regarding the incompatibility. If the judge ascertains the incompatibility, the contract is annulled and if otherwise he is to conclude it. In this way the judge prevents the obstinacy of parents or guardians concerning the marriage of their daughters.

In principle such a measure is necessary to guarantee the future happiness and understanding of a couple because some girls get married too young lacking experience. Yet compatibility is left to traditions of the country where the contract is being concluded and to prevailing social circumstances. This is a flexible procedure that could be applied any time to secure family happiness.

Ma'qul Bin Yassir reported (19): *"I married my sister to a man who divorced her. When her waiting period (Idda) was completed he reproposed, I told him: "I gave her in marriage to you and I was gracious with you then you divorced her then you come back to ask for her hand again?! By Allah she will never return to you (He was a rather good man and the woman wanted to go back to him). Allah then revealed the verse* ***"Do not prevent them"****. I said " O Messenger of Allah shall I let her now go back to him?". He said: "Let her remarry him".*

Abu Thawr (a follower of Imam Shafie) says: "The consent of the woman and her guardian is necessary in the marriage contract. When they agree any of them could conclude the marriage whether the woman or her guardian because there is nothing in the Islamic law that prevents a female from attending to contracts and other actions. For, a woman, as long as she has full competence, is allowed to make contracts and handle all her affairs exactly as a man". "Thus, if the guardian -unduly- refuses to let her marry or give his permission, he is then deemed a hindrance and she has the

right to resort to court to be permitted to marry because her guardian's refusal is unjust to her. Lifting injustice is the jurisdiction of the judge. That is why we find a Hadeeth that says, "Upon quarrelling, the ruler is the guardian of those who have no guardians" [20].

- Compatibility of the husband.

Islam made piety and good manners the criteria for compatibility. It is reported that the Messenger of Allah (P.B.U.H) said: *"If someone of whose religion and manners you are satisfied came to propose to your daughter, let him marry her, if you do not, there will be corruption and great evil on earth"* [21].

The Hadeeth addresses guardians to allow those under their guardianship to marry men of religion and good manners. If they abstained from accepting a man with such traits preferring position, lineage and wealth, corruption is to prevail. Imam Ghazali related that a man said to Al-Hassan "Several men have proposed to my daughter. To whom shall I give her in marriage? Al-Hassan said, "To the pious man because if he loved her, he would honour her and if he hated her, he would not do her injustice".

When well-off and noble Muslim families refused to marry their daughters and sons to poor men and women Allah revealed the verse, ***"Marry those among you who are single, or the virtuous ones among your slaves, male or female: if they are in poverty, Allah will give them means out of His grace: for Allah encompasseth all, and He knoweth all things".*** (Surat: Al-Noor, verse 32).

Compatibility is to honour a woman because it indicates that not every man is fit to marry a woman. At the same time every woman is fit to marry any man. So if compatibility is conditioned in a man it is not in a woman.

- Marriage in Public.

"Secret marriage is not valid until it is publicly known in the presence of witnesses" [22]. The least acceptable witnesses are two

men to announce the marriage [23]. Marriage witnessed by one man only is not allowed; for the Prophet (P.B.U.H) said: *"Marriage is not valid without the two competent witnesses".*

- Wording of the contract should indicate permanency.

The Marriage contract should not include any phrase that determines a specific or unspecific period whether long or short.

- Dower.

The dower is not a prerequisite or condition for the validity of the contract. It is rather a ruling and an ensuing effect of the contract so if the contract does not state a dower (Mahr) or it is plainly mentioned that there is no dower at all, the contract is valid by means of acceptance. In both cases, a woman has to be given a matching dower (the amount customary given to a woman of her status and education). The legislation has made the payment of a dower obligatory and no one has the right to make a marriage void of a dower" [24].

Sheikh Hassan Khaled, Mufti of Lebanon said: "Allah has legislated mahr as a donation by a man to a woman, a necessary gift not as a compensation or as a price for a commodity or fee for a utility. Allah says: ***"And give the women (on marriage) their dower as a free gift..."*** (Surat: Al-Nisaa, Verse 4). The mahr (dower) is a necessary gift based on mutual consent given by the man not the woman" [25].

There is no fixed amount for the dower as people differ in being poor or rich, ***"Let the man of means spend according to his means..."*** (Surat: Al-Talaq, verse 7).

- Mutual Rights.

A. The right for Sexual intercourse and pleasure.

The sexual urge is deemed one of the most powerful instincts to influence man. It may drive him to an abyss if such an urge is not gratified. Marriage is the most convenient way to fulfil this instinct. In this respect Allah says: ***"Your wives are as a***

tilth unto you; so approach your tilth when or how ye will..." (Surat: Al-Baqarh, verse 223). In this way psychological tranquility is realized as Allah says: ***"And among his Signs is this, that he created for you mates from among yourselves, that ye may dwell in tranquillity with them, and he has put love and mercy between your (hearts)..."*** (Surat: Al-Roum, verse 21).

In the Bible it is mentioned that therefore shall a man leave his father and mother and shall cleave unto his wife and they shall be one flesh" (Genesis 2, Verse24). The Quran has also expressed the notion of one flesh in its magnificent phrasing.

"... They are your garments and ye are their garments...". (Surat: Al-Baqarah, verse 187).

B. Affection and Mercy between the couple.

This is achieved through partnership in shouldering responsibility. On the authority of Asma' Bint Abi Bakr she said: (26) "I married Al-zubair while he had no money nor slaves. I used to carry date stones from the piece of land which the Messenger of Allah gave him, One day while carrying the date stones on my head, I met the Prophet (P.B.U.H) accompanied by some Ansari men. He offered me a ride behind him, but I was embarrassed to ride with men and I remembered the jealousy of Al-zubair - as he was extremely jealous. The Prophet (P.B.U.H) realized that I was shy so he went along".

"I went to AL-zubair and said, 'I met Allah's Messenger (P.B.U.H) while I was carrying date stones on my head and he had some companions with him. He made his camel kneel down so that I would ride. But I was shy and remembered your jealousy'. Al-zubair said: 'By Allah your carrying the date stones is harder for me than your riding with the Prophet (P.B.U.H.)". Mercy between husband and wife is manifested. Asssma undergoes difficulty in observance of her husband's feelings. At the same time Al-zubair Bin Al-Awaam expressed

his sorrow for his wife's carrying the date-stones on her head saying that it would have been easier for him if she had ridden behind the Messenger of Allah and his companions instead of carrying the date stones on her head.

C. Mutual Trust:

Islamic law urges husband and wife to trust one another and avoid any suspicion. On the authority of Jaber Bin Abdulla he said: *"Messenger of Allah (P.B. U.H) said if one of you stays away from his home for a longtime, he should not return at night to surprise his family, feeling suspicious about them or trying to find fault"* [27].

- Being Nice to Wives.

Islamic law urges men to be nice to their wives. The Quran used the word "kindness or equity" many times, the word being considered of general manners and high morality. Allah Almighty says: ***"...Live with them on a footing of kindness and equity..." (Sural: Al-Nisaa, verse 19). And "...And woman shall have rights similar to the rights against them, according to what is equitable..."*** (Surat: Al-Baqarah, verse 228).

The life of a married couple cannot be in order without cooperation, sacrifice, and honesty. On the authority of Saad Bin Abi Waqqas he said the Prophet (P.B.U.H) said: "Whatever you spend for your own expenses is considered charity even the piece of bread you put in your wife's mouth is charity" [28].

Imam Ghazali says: [29] "A woman has the right to be treated kindly by her husband who should also be good-mannered with her".

To be of good manners does not mean not to harm her but to bear her harm, be patient with her foolishness and anger, following the example of the Messenger of Allah (P.B.U.H) (His wives used to disagree with him and one of them might leave him till night comes).

- Forbidden Marriage.

Islam prohibited all means of harm to women and prevented whatever is humiliating to her freedom and human value. It has cancelled many kinds of marriages such as that of Shighar and Mutaa.

A. Marriage of Shighar (exchange):

According to this kind of marriage, a man gives in marriage to another man a woman under his guardianship (it could be a daughter or sister) provided that the other gives him in marriage a woman under his guardianship. The dower of each woman is then the marriage of the other i.e. two men exchange women under their guardianship without payment of a dower.

On the authority of Ibn Omar, *"The prophet (P.B.U.H.) forbade marriage of Shighar (Free from dower) according to which a man gives his daughter in marriage provided that the other man gives the former his daughter without paying dower"* [30].

By forbidding this sort of marriage, the woman's dignity and right to a dower are preserved, so that it would not seem as an exchange of a business deal between fathers.

B. Marriage of Mutaa (pleasure):

It is called temporary marriage which means that a man marries a woman for a day, a week or a month. It is so called; because a man enjoys woman for the period he had determined. The aim of such a marriage is merely the fulfillment of the sexual desire, while one of the conditions that validates a marriage contract is stating the permanency of marriage. Specifying, a certain period for marriage spoils it because by fixing a time limit ; such concepts, as good companionship, settlement and finding peace plus seeking an offspring and making a family are not taken into consideration. Marriage of Mutaa is rather meant to fulfil a certain need following which marriage terminates. The Prophet (P.B.U.H) said: *"O people I had permitted you to enjoy women (marry)*

temporarily, but Allah has forbidden it till Dooms Day. Whoever still has a wife of this kind, let her go and do not take from them anything that you have given them" [31].

Kinds of marriage in pre-Islamic Days

There were four kinds of marriage in pre-Islamic times: [32]

- ***The marriage of nowadays*:** a man asks for the hand of a woman from her guardian, he gives her a dower then he marries her by means of a marriage contract.
- ***Marriage of Istibdha'*:** a man asks his wife after her monthly period to send to someone in particular asking him to have intercourse with her. The husband urges her to do so because he wishes for a baby boy in case she becomes pregnant.
- ***Another kind of marriage*:** when less than ten men have sexual intercourse with a woman. If she becomes pregnant and then gives birth, she sends for them all; none of the men could refrain from coming. When they meet at her place she says: "You know what you have done and I have given birth to a boy who is your child so and so (she mentions the name of the man whom she liked best). The child then bears the name of that man who cannot reject his paternity.
- ***The forth kind is prostitution*:** when many men have intercourse with a woman and she cannot refuse any of them. Prostitutes used to hang flags on their doors. If one of them becomes pregnant and she gives birth, the men assemble at her place in the presence of a certain man (who could recognize the baby's father from concealed marks). The baby is then attributed to a father who cannot deny or refuse".

"When Muhammad became Prophet, he abolished all the pre-Islamic marriages, except that of nowadays" [33].

The offspring: one of Allah's blessings

Allah Almighty says: ***"And (He) made for you out of them, sons and daughters and grandchildren..."*** (Surat: Al-Nagh,

verse 72). This is the basis of family lineage from a known grandfather to a known father to a known son to sons and grandsons, each knowing his relatives by kinship or by marriage.

A good offspring was the wish of Prophets. Abraham father of Prophets says: ***"O my Lord! Make me one who establishes regular prayer, and also (raise such) among my offspring, O our Lord! And accept thou my Prayer"*** (Surat: Ibrahim, verse 40).

Allah the Almighty says: ***"And these who pray: Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes..."*** (Surat: Furqan, verse 74). Zakaria (A.S.) prayed to his Lord: ***"...O my Lord! Grant unto me from thee a progeny that is pure..."*** (Surat: AM- Imran, verse 38). Man also prays to his Allah by saying: ***"...And be gracious to me in my issue..."*** (Surat: AL-Ahkaf, verse 15).

When Prophet Zakaria became old without being gifted with a boy, he prayed to Allah to give him an offspring saying: ***"...O my Lord! leave me not without offspring, though Thou art the best of inheritors"*** (Surat: Al-Anbiya'a, verse 89).

It is noteworthy that Allah says: ***"...He bestows (children) female or male according to His will (andplan)"*** (Surat: Al-Shura, verse 49).

This means that it is one of the blessings of Allah bestowed upon his subjects to be given females as well as males. He considers a woman as a gift and blessing. This shows to what extent Islam appreciates women. In the previous verse the female was mentioned before the male as regards the blessing. The Quran did not say, "He bestows male and female according to His will", it rather started with females.

SECOND: DIVORCE

The Realism of Islam.

Islam assumes in the first place that the marriage contract is permanent and that the married couple will remain in matrimony until death parts them. It is therefore unpermitted in Islam to specify a certain time limit for the validity of marriage. Allah has termed the legitimate relation between man and wife "a firm bond" when He says: ***"...and they have taken from you a solemn covenant?"*** (Surat: Al-Nisaa, verse 21).

Nevertheless, while Islam makes it necessary for a marriage contract to be permanent and sanctified, and despite the principles it had for establishing and protecting the family, Islam never assumed that idealism would prevail. It recognized the fact that its law is legislated for people who dwell on earth, having their human properties and nature. As long as there are evil inclinations in the soul it is bound to fluctuate. Here Islam considered what might take place between husband and wife due to difference in human nature.

Often times it happens that the couple finds divorce necessary. Each may find himself alien from the other, keeping aloof because of moral or physical illness or any other reason that makes difficult the fulfillment of marital rights as ordained by Allah. If the couple remains together despite their disagreement, aversion would eat their hearts out and each would deceive the other which may lead to their perversity and may open the way for many vices and sins. Allah has thus legislated divorce as a means to overcome such evils once all possible remedies prove useless.

If business partners for instance no longer enjoy mutual understanding, it is better for each to go his own way or find another partner. A married life is but a partnership between two. So if they lack understanding, it is better for each to search for

comfort and self satisfaction elsewhere.

In this case divorce would be similar to amputation to which the surgeon resorts reluctantly for the sake of preserving the soundness of the whole body and removing pain in the aching part. Family life is likewise; if corruption spreads out in such a way as to make all remedy impossible it is better for both family and society to have the marital bond dissolved.

Petnam, an English man of law says: "If a draft law laid down to prohibit the dissolution of companies to prevent lifting guardianship, dismissing agents and leaving companions, the people would call out: it is extreme injustice and would suppose that the law is enforced by a fool or lunatic. No wonder that such a matter which goes against human nature and wisdom and which is refuted by interests and which does not comply with principles of legislation, is approved by laws of the most civilized countries once a couple contract a marriage. These laws seem to drive people away from marriage. For, banning people from getting out of something is banning them from starting it in the first place. If aversion, disagreement and hostility are likely to take place, which is better: to link the couple by a strong rope until malice eat their hearts out and each plot against the other or to dissolve their bond and enable each to build a new home based on firm grounds? Isn't it better to replace a husband with another rather than to have a mistress together with a neglected wife or to have a lover together with a hateful husband? " (34)

Dr. Mustafa Al-Sebaie says: "Yet Islam which necessitates the permanency of the marriage contract, does not overlook the nature of people, experience of nations and disagreement that may happen between husband and wife, arising from difference of temperaments and manners. It does not overlook the possibility of reconciliation before separation. It has therefore come with a tight legislation that is not open to defect if it is carried into effect in text and spirit and if the people adhere to its rules and instructions" (35).

Reconciliation before Separation.

A life marriage should be based on affection and kindness between husband and wife. Such a life could be exposed to certain difficulties previously mentioned. Islam urges a married couple not to surrender to such difficulties and advises them to bear each other and to be patient with what one dislikes of the other. For, life will never make people the same in mind, manners and nature. Many times good lies in what the husband dislikes- Allah the Almighty says: ***"...If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good..."*** (Surat: Al-Nisaa, verse 19).

So if one of them can no longer bear the other, Allah guided us to the ways to be adopted one after the other to reconcile the couple. And because human beings are not the same: some are of good manners while others are crooked, the methods of dealing and reforming vary. Allah the Almighty said: **"...As *to those women on whose pan ye fear disloyalty and ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly)..."*** (Surat: Al-Nisaa, verse 34).

Allah the Almighty thus drew the attention of the husband to the methods to be followed with a wife of this kind. First, she has to be spoken to wisely and with the best manner i.e. to appeal to her mind. If this admonition is to no avail, the husband resorts to psychological punishment i.e. to refuse to share her bed. This may be the most serious punishment for a woman .So if addressing her mind then her sentiment proves futile, physical punishment becomes the last resort.

Sheikh Muhammad Abdu said: "If they (women) obey you by means of one of these reformative ways, do not proceed to another way" [36].

Abbas Al-Aqqad said: [37] "The situation is one of punishment which comes after advice and when separation proves futile. The human world is not void of men and women who are punished as guilty people are. As long as there is one out of one thousand

women who is reformed by corporal punishment, the law that does not mention such penalty is deficient and the law that prefers to it the destruction of a family is defective and harmful. Laws have allowed corporal punishment for soldiers and allowed alternatives as dismissal from service, delaying promotions and holidays. If some women are not inflicted by such punishment, this does not mean that all women should be exempted from these types of punishment. No wise person would say that punishing criminals belittles the innocent, for it would be necessary to drop all penalties from all laws. Corporal punishment in Islam is extremely detestable, but it was only allowed to avoid what is even more detestable i.e. divorce".

The husband should not misuse his right in punishment by beating, by exaggerating in a nonhuman way or take up beating as a constant means of punishing his wife. In such a case, the judge is to punish him with the determined penalty and the wife has the right to ask for a divorce.

Likewise if a woman finds that her husband is staying away from her and has no desire in her, she has to handle this matter. Allah the Almighty says: ***"If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men's souls are swayed by greed, but if ye do good and practise self-restraint, Allah is well-acquainted with all that ye do"*** (Surat: Al-Nisaa. verse 128).

"and such settlement is best" means that it is better than separation because the Legislator always seeks to keep the matrimonial bond, and hates separation.

Allah guided the couple when choosing to reconcile - to a successful method which is tolerance - neither of them should stick to his right in an attempt to overcome the human nature of being keen to take one's right fully and insist on it, "Man is prone to avarice". Each should make concessions so that they would reach an agreement and reconcile.

If this is not possible, Allah says, ***"If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation"*** (Surat: Al-Nisaa, verse 35), and so the task of the arbiters is to bridge the gap and reconcile them. If this is hard to achieve then separation is inevitable because a life that has become a source of misery and weariness for both husband and wife is unbearable. As justice lies in reconciliation it may be so in separation because for instance holding to a wife and causing her harm is not allowed in Islam as Allah says: ***"...But do not take them back to injure them, (or) to take undue advantage..."*** (Surat: Al-Baqarah, verse 231).

Al-Gassas says: [38] "Allah the Almighty ordained that one of the arbiters belong to her people while the other to his because if they were complete strangers they would be suspected of having an inclination towards one of them. So if one was from her side and the other from his, there would be no suspicion and each would speak for the one he represents".

By sending two arbiters one from her side and another from his to look into their differences and listen to the evidence of each is an indication of the Muslim woman's high status to which no other woman has ever reached. For she and the man are on equal footing regarding the truth. Her proof is considered as well as his. She gives her opinion as well as he does and they discuss the matter with each other. By having two arbiters from both sides, the Legislator is drawing the attention to the way a woman should be treated when asking for her right.

To sum up, divorce in Islam is detestable, the reason why the Legislator placed before man hindrances and obstacles to prevent him from giving a divorce easily such as:

- Men were urged to be patient with the things they dislike in women.
- The previously - mentioned disciplinary methods are provided for a disobedient woman in hope for making amends.

- The help of two arbiters from her people and his is asked for so that they would do their best to reconcile them.

- It is evident in the Prophet's saying how Allah detests and condemns divorce' *"Divorce is the most detested lawful thing to Allah"* (39).

Ibn Abdeen said in *Raddul Mukhtar,* editorial notes to *Addurul Mukhtar* "As for divorce, it is originally prohibited, but it is permitted in case of the necessity of separation and it is said that such necessity springs when their manners are different and when Allah's commands i.e. marital rights of the couple are not observed" (40).

Principles and procedures of divorce.

1- If arbitration is useless and each of husband and wife insist upon his/her stand Islam has permitted divorce once after which there is a 3 months waiting period (Idda) during which the wife stays at her husband's home. But he is not allowed to have any sexual relation with her. The wisdom behind the waiting period is to allow a chance for reconciliation after both have calmed down perhaps they may set aside their differences and love and peace are restored to the family. This divorce is considered revocable as long as the wife is still in her waiting period in the sense that they can reunite without the husband having to pay a dower, without a contract or witnesses. It is just enough to resume marital relations so that the divorce would be terminated and life between them returns to normal.

2- If the waiting period terminates while the husband does not return to his wife, it becomes a valid simple revocable divorce in the sense that they can not reunite unless with a new dower and contract. And if the woman refused to return to him and preferred to marry another man, the first husband has neither the right to force her to return to him nor to prevent her from marrying the other one.

3-If they resume marital life whether during the idda or after and then they disagree once again, the two previous steps are repeated.

4- If the husband restores relations with his wife following the second divorce and disagreement reoccurs, the previous steps are repeated, and if nothing helps to make amends, the husband could divorce his wife for the third time which is final and irrevocable. They cannot return to each other unless she remarries another in a normally consummated union and then for some reason she becomes divorced or widowed. This remarriage of hers is disciplinary for both sides. Allah the Almighty says: ***"So if a husband divorces his wife (for the third time), he cannot after that remarry her until after she has married another husband*** (i.e. until a thrice- divorced woman has remarried another husband after the waiting period is expired). ***If he (the second husband after marriage consummation) has divorced her, in this case there is no blame on either of them (the first husband and the wife) if they reunite*** (i.e. remarry each other for the second time, after the expiry of the waiting period), ***provided they feel that they can keep the limits ordained by Allah,*** (i.e. marital rights in a second marriage after sorrow and repentance), ***which He makes plain to those who understand".*** (Surat: Al-Baqarah, verse 230). So if he divorces her i.e. for the third time; he cannot remarry her until she marries another husband after the waiting period expires. If the second husband, after marriage consummation, divorces her, the first husband and his wife are not to blame if they remarry for the second time after the waiting period, provided that they keep the limits ordained by Allah in the second marriage after sorrow and repentance, "which He makes plain to those who know".

The author of "Mohamed the Perfect Example" says: [41] "Ulamas of Islam have seen in Allah's saying, "If he divorces her he cannot remarry her unless she marries another man" a warning for each couple against divorce due to its adverse effect to prevent

taking such a step hastily. The condition that provides for taking another husband before remarrying the first husband is a serious preventive measure against the third divorce especially that the Arabs arc known for their jealousy. The Quran came with severe rebuke that touches the honour and dignity of the most sentimental people on earth..." The author added "Certainly the people are generally alike (despite difference of nationality) for no-one is known to have a clear conscience when his ex-wife marries another man ...etc, except those who have lost their sense of human jealousy".

Firm restrictions have therefore been placed to prevent any playfulness with divorce and to act as a punitive action for the couple.

The aforementioned show that there are three stages for divorce:

1- A revocable divorce in which the husband can go back on it without having to pay a dower or make a new contract.

2- A simple revocable divorce in which marital life could be resumed with a new dower and contract.

3- An irrevocable divorce in which the two cannot reunite until wife is normally married to another man and for some reason she is divorced from her second husband or is widowed.

"So they have to part for ever unless a miracle takes place and she marries another man then she disagrees with her new husband who divorces her or she gets a divorce at her instance with payment of a compensation or her husband dies. Then she can return to her first husband if she wishes to" (42).

Idda (waiting period)

Idda is the name of the period in which the woman does not marry after her husband divorces her or after he dies. It terminates by delivery (if pregnant), by menstruation or by fixed months.

El-Sayed Muhammad Rashid Ridah says: (43) "Islam is

merciful to women and has preserved their rights and kept harm away from them when it legislated the waiting period of divorce and death during which a woman cannot marry except after its termination. In the case of revocable divorce (allowed twice) the man can return to his wife without a new dower and contract. The original reason for such a waiting period is to make sure that there is no pregnancy. That is why a divorcee whose marriage has not been consummated has no waiting period. The waiting period of death is meant to be also a manifestation of loyalty to the husband".

Ibn Al-Qayyem [44] illustrates the wisdom behind idda "by legislating the idda, it is meant to make sure that the womb is void of any pregnancy and that the sperms of two men do not gather in one womb causing confusion of lineage that leads to corruption prohibited by law and wisdom, The idda also shows respect for the contract, raises its value, shows its honour and helps prolong the period for the husband, perhaps he may repent in a time that he could reunite with his wife. The idda makes due the husband's right and shows how his loss (in case of death) prevents any ornamentation. Mourning over a husband has been legally longer than mourning over a father and a son. The idda makes due the right of the husband, the interests of the wife, the right of the son and the right ordained by Allah: the idda fulfils four rights. The legislator has made death replace the consummation of marriage in fulfilling the rights of the wife, agreed upon in the contract. For the duration of marriage is the lifetime. That is why death replaces consummation of marriage in the deferred dowry. The idda is not merely meant to ensure the voidness of the womb although it is one among its objectives".

<u>Kinds of Idda</u>

1- ***Termination of idda by delivery:*** If the divorcee is pregnant, her waiting period terminates by delivery whether the baby is live or dead, mature or premature. Ibn Qudama mentioned in Al-Mughni. [45] If a man divorced his pregnant wife, ulamas

made a consensus that this woman's idda terminates on delivery in fulfillment of Allah's saying, ***"For those who carry (life within their wombs), their period is until they deliver their burdens."*** (Surat: Al-Talaq, verse 4).

2- ***Termination of idda by menstruation:*** The waiting period is calculated by menstruation if the wife is a menstruating one. In case the marriage is dissolved either by divorce or Khul' (the wife redeems herself) then the idaa of the menstruating woman ends after three monthly periods. Allah says: ***"Divorced women shall wait concerning themselves for three monthly periods, nor is it lawful for them to hide what Allah Hath created in their wombs"*** (Surat: Al-Baqarh, verse 228).

3- ***Termination of idda by months:*** If the marriage is consummated and the couple had disagreements and the wife no longer has the monthly period and was not pregnant, her idda expires in three months. This is applied if the woman reached the age of non-menstruation or if she is too young to have the monthly period or for some reason does not menstruate at all. Allah the Almighty says: ***"Such of your women as have passed the age of monthly courses, for them the prescribed period, if ye have any doubts, is three months, and for those who have no courses (it is the same)"*** (Surat: Al-Talaq, verse 4).

Period of Idda:

- Three monthly periods for a menstruaing woman.
- Three calendar months for a non-menstruaing woman either for old age about 55 to 60 or for young age i.e. she has not menstruated yet.
- The pregnant woman terminates her idda on delivery because the reason behind the waiting period is to make sure that there is no fetus.
- There is no idda for a woman where marriage is not consummated because the idda is ordained to purge the womb as previously

mentioned. Allah the Almighty says: ***"O ye who believe! when ye marry believing women, and then divorce them before ye have touched them, no period of Iddat have ye to count in respect of them: so give them a present, and set them free in a handsome manner"***. (Surat: Al-Ahzab, verse 49).

Restrictions and Conditions of Divorce.

The Quran indicated the way to treat disobedience of the wife, and the way to arbitrate the disagreement of the couple. It has also made divorce revocable and ordained idda as a chance to resume marital life; ***"Perchance Allah will bring about thereafter some new situation"***. (Surat: Al-Talaq, verse 1).

This has to be approached with sympathy and care between husband and wife. There is no way to facilitate divorce by allowing the use of divorce terms any time and in any way as all rules should be in harmony with the spirit ordained by the Quran and urged by Sunna, making divorce the most hateful yet allowed thing by Allah.

There lies a divine wisdom in licensing divorce, yet it is hatefully licensed under several restrictions and terms of which are:

1- *The character of the divorcing person:*

He has to be mature, sane, willing and divorcing out of his own choice. Divorce by a boy, an insane, one being forced and a drunk is invalid. The Prophet (P.B.U.H) said: [(46)] *"The pen is lifted from three (they are not responsible for their acts) the one who is asleep until he wakes-up, the boy until he comes of age and the insane until he becomes sane".*

2- Utterance:

Ulamas have come to a consensus that divorce is valid only with the use of direct divorce terms (such as you are divorced). On the authority of Abu Hurairah, "Allah overlooks the thoughts that occur in the minds of my people unless they are interpreted into action or uttered" [(47)].

3- The Intention:

For a divorce to take place, the words of divorce must be intentionally uttered. The mere intention of divorcing without plainly mentioning the words does not make a divorce happen. Conditioned divorce is also invalid if it is not meant to be a divorce but said with the intention of making the other do or leave aside a particular thing.

4- Regarding the number of times:

Divorce for several times takes place one after the other so that reunion would be possible and the couple would lead a more satisfactory life compared to their previous life together. Allah the Almighty says: ***"A divorce is only permissible twice" i.e.*** one after the other then He said: "after that the partners should either hold together on equitable terms" i.e. after they return to each other observing marriage obligations. "Or separate with kindness" in the sense that the husband gives his divorcee all her financial rights and should never talk about her badly after separation in such a way as to make people dislike her and thus hinder her marriage from someone else. "The wisdom behind stating their right to reunite twice in that the lesson is not perfectly taught in the first time and first experience. Allah has thus given the husband that right once again in case he divorced his wife for the second time. He would have then tried himself twice in such separation and knew about his heart's inclination in such matter. If reconciliation was better for him, he reunites with her on equitable terms. If dissolution is best for him, he releases her honourbly. This indicates Allah's perfect mercy of his subjects" [48].

5- Timing of Divorce:

Divorce should be (if it concerns a menstruating woman) at a time when she is free of her monthly period and her husband has not had intercourse with her so that her idda would not be prolonged. That is so because idda is calculated, after she is purged from the monthly period or parturition; to be three

menstruation. Prolonging the idda is harmful to the woman.

The legal divorce is that which takes place when a woman is free from the period and has not had intercourse with her husband i.e. at the time when the waiting period of a divorcee starts.

The legislator thus confirms the necessity of restricting divorce. The husband may think of divorcing his wife during menstruation at a time when he keeps away from her. But Quran has ordained that divorce takes place at the time when he may desire her so that it would be a proof for having a serious reason for divorce. Allah Almighty says: ***"divorce them (women) at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord..."*** (Surat: Al-Talaq, verse 1).

As for counting the period for idda it is meant to leave room for reunion as the husband may repent or the wife herself may repent for being disobedient, and for causing their separation. Reunion would then be possible. Such a measure takes into consideration the interest of the home and protects it against destruction. Calculating the waiting period is necessary in consideration of paying living costs to a divorcee until her waiting period expires.

Women's Right to Dissolve the Marriage and Redeem Themselves from their Husbands

El- Sayed M. Rashid Ridad says: [(49)] "There are three ways to undo a marital bond: dissolving the contract by the ruler, having divorce at a woman's instance by self-redemption, and divorce.

Having the contract dissolved takes place for common reasons between man and woman as for instance physical defects that prevent the fulfillment of marital functions and contagious diseases. The purpose here is to show that Islam judges such cases equally and justly between man and woman because the occurrence of such defects and diseases is common in males and females and it is unjust that one of the partners is forced to accept that defect in the other.

Among the rules of Islam is "No harm done to oneself or to

others". Ibn Al-Qayem says: [50] "A defect of which one of the couple averts and which prevents the fulfillment of marriage necessitates a free choice in having the contract dissolved". Accordingly, the woman is given the right to have the contract dissolved in case the husband refrains from or is incapable of fulfilling her right, as in return he has the right to divorce her.

As for self-redemption (Khul'), it is made for a woman as a way out of matrimony if she came to hate her husband for reasons other than these that give her the right to have the contract dissolved. She has the right to pay him compensation in return for what he spent on her and for the dower he paid her so that he would consent to dissolve the marital bond. In this way he is not exposed to any injustice. Self- redemption is considered as revocable divorce in which the husband has no right to return to his wife without her consent".

Islam has thus not denied the wife the right to terminate the marital bond but it has only differentiated between the way of attaining such right, making it direct for a man and indirect for a woman.

The word Khul' is derived from "taking off the garment" because the woman pulls herself from her husband's garment, according to the verse: ***"They are your garments and ye are their garments"***. (Surat: Al- Baqarah, verse 187). It is as if when they are separated the one takes off his garment [51].

The right to divorce is placed within the hands of the man and because there are consequences to this, he has to consider thoroughly before taking the decision of divorce. But the woman who is given the right to choose her husband, is allowed to make whatever conditions she wishes in the contract. The wife has also the right to condition her right to divorce herself whenever she likes. [52] If the woman did not condition in the contract her right to divorce herself, it does not mean that her problem is to remain unsolved. Islam gave her the right to ask for separation before the judge who is to fulfil her request if he sees that there is no understanding between her and her husband or if he finds out that the husband ill treats his wife and harms her.

Self redemption is a way out for a wife who hates her husband and does not wish to live with him. It is parallel to divorce which is a man's right. Justice in this case dictates that that the woman avails herself and pays him what he spent on her- exactly as the case of the man. When he divorces his wife he has to pay the deferred part of the dower and her monthly support according to the rules. Allah the Almighty says: ***"If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom."*** (Surat: Al-BaqaraL verse 229) and He also says: ***"But if they (woman), of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer."*** (Surat: Al-Nisaa, verse 4).

Islam has made the money with which the wife avails herself halal (Lawful) because she was the disobedient one who manifested hatred to her husband. In this case the husband is permitted to take what he had originally given his wife. *An instance of this is shown in case of Thabet Bin Qays and his wife when Prophet (P.B.U.H) ordered the latter to give back her husband the garden he gave her* (53).

Al-Qortobi commented, "It was said that she hated him very much and he loved her very much, so the Messenger of Allah (P.B.U.H) separated them by Khul', the first of its kind in Islam. Then he said that "this hadeeth is the basis for Khul' upon which ulamas rely. Malek said I heard from knowledgeable people that if the man does not harm or ill-treat the woman and yet she wishes to leave him, he is entitled to take from her whatever she avails herself with, as the Prophet (P.B.U.H) did with the wife of Thabet Bin Qays" (54).

Ibn Qudama said in Al-Mughni (55) "In short, if a woman hated her husband for his manners, his physical appearance, his faith, for being old or weak or alike things and she fears that she cannot fulfil Allah's right in being obedient to him, she is allowed to leave him by paying him a compensation to redeem herself".

Khul' was ordained to keep harm away from a woman: she could avail herself by giving back what her husband paid her. It is

fair for the husband to have back the dower he paid. Allah the Almighty says: ***"But if they separate, Allah will provide abundance for each of them from His all-reaching bounty"***. (Surat: Al-Nisaa, verse 130).

Ibn Rushed said: "Because divorce was given to man in case he hated his wife, self-redemption was given to the woman if she hated her husband" (56).

Islam warned women not to ask for a divorce without good reason. The Prophet (P.B.U.H) said: *"Any wife who asks her husband for divorce without harm being done, is denied the scent of paradise"* (57).

<u>The rights of a divorcee</u>

Among the rights of adivorcee is to get married from whomever she wishes following her idda. The divorcing husband is allowed either to reunite amicably or leave her in a decent manner in order that she remarries who ever she wishes. The husband is not allowed to keep his wife for the sake of harming her. Allah the Almighty says: ***"when ye divorced women, and they fare about it) fulfil the term of their (Iddat), either take them back on equitable terms or set them free on equitable terms: but do not take them back to Injure them"***. (Surat: Al-Baqarah, verse 231), i.e. when you divorce women and they are about to complete their idda, either take them back on equitable terms or set them free on equitable terms. But do not take them back to harm them or to do them injustice or force them to pay for their freedom or compensation for self-redemption. If you take them back to harm them, you are doing wrong to yourselves by being exposed to Allah's punishment. Be serious in taking the signs of Allah and act according to them and foster them otherwise you have not taken them seriously. Remember the blessings of Allah and the revelation of the Book and the tradition of the Messenger of Allah (P.B.U.H) for your instruction. Fear Allah and know that he is well-acquainted with everything and so he will reward or punish you for your doings.

Imam Mohamed Abdu says: [58] "these verses were revealed to abolish the way people used to ill-treat women when being divorced".

The end of the verse bears good advice together with warning to those going beyond Allah's bounds, which reflects Islam's interest in the rights of divorced women. Allah the Almighty says: ***"When ye divorce women, and they fulfil the term of their (Iddat), do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms. This instruction is for all amongst you, who believe in Allah and the Last Day. That is (the course making for) most virtue and purity amongst you. And Allah knows, and ye know not"*** (Surat: Al-Baqarah, verse 232).

It is worth mentioning that the divorcing husband is more rightful to remarrying his wife by returning to her during the waiting period than any other man inclined to marry her after idda. This proves that Islam is keen on the coherence of the family. In this respect Allah the Almighty says: ***"And their husbands have the better right to take them back (in that period) if they wish for reconciliation".*** (Surat: Al-Baqarah, verse 228). i.e. if the husband wishes to live amicably with his wife and does not intend to withhold her in harm to prevent her marriage from another man.

The divorcee is entitled to financial support during the idda according to the financial capacity of the husband. If the divorcee has a baby his feeding cost should be paid by the husband. For Allah says: ***"And if (divorce) suckled your (off spring)" i.e. your*** children from them, ***"give them their recompense"*** i.e. payment for suckling. (Surat: Al- Talaq, verse 6).

If the divorcee chooses to keep her child to nurse him, no one has the right to take him away from her. On the authority of Abdullah Bin Omar he said [59] that a woman said: "O Messenger of Allah this is my son whom I carried in my womb, suckled from my breast and fostered in my lap. His father divorced me and wanted to take him away from me by force". The Messenger of Allah (P.B.U.H) said: *"you are more rightful to him if you do not*

remarry". [*]

Among her rights is that her husband should leave her amicably. Allah said: ***"A divorce is only permissible twice; after that the parties should either hold together on equitable terms, or separate with kindness..."*** (Surat: Al- Baqarah, verse 229), which mean the divorcing husband should not exhaust or deprive his divorcee of her belongings and he should not relate about her anything that would harm her dignity or reputation so that she could remarry whomever she wishes.

The divorcee also gets all of the deferred dower (the postponed dower to which she is entitled according to the marriage contract). Allah Almighty says: ***"It is not lawful for you, (men), to take back any of your gifts (from your wives)..."*** (Surat: Al- Baqrah , verse 229), i.e. the husband should not take a penny from her dower unless the wife was the one to ask for a divorce because of the impossibility of fulfilling marital rights for any reason. The wife in this case avails herself by giving up her dower or part of it i.e. Khul'. At the end of this same verse Allah said: ***"Except when both parties fear that they would be unable to keep the limits ordained by Allah..."*** (Surat: Al- Baqarah, verse 229).

Sheikh Muhammad Al-Ghazali said:[60] "Inside the marital house there is what is called ***"Allah's limits"***, a term which was repeated six times in two verses (No. 229 and 230 of Surat Al-Baqarah). These verses deal with supporting the home of the married couple to avoid a rift. These bounds are a sort of restrictions which prevent chaos and strike a balance between the couple".

Yet concerning the divorcee whose marriage was not consummated she or her guardian can cede the dower, Allah says: ***"And if ye divorce them before consummation, but after the fixation of a dower for them, then the half of the dower (is due to***

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* If child custody is originally given to the mother, jurists noticed that her kinship comes before that of the father. The order of priority of those who have the right for child custody is as follows: the mother then if there is any hindrance to that, custody is shifted to the maternal grandmother if there is any hindrance it is shifted to the paternal grandmother and then to the aunt. (See *Fiqh Al- Sunna, vol. 3, p.340)*.

them) unless they remit it or (the man's half) is remitted by him in whose hands is the marriage tie". (Surat: Al-Baqarah, verse 237).

At the end of the verse Allah urged the divorcee to give up the dower and urged the husband to be generous. He said: ***"And the remission (of the man's half) is the nearest to righteousness, and do not forget liberality between yourselves"*** i.e. to be kind to each other. ***"For Allah sees well all that ye do"***, i.e. Allah will reward you for this and will give you more of his bounty.

A Summary of the Care Extended by Islam to Divorcees who Should Not be Harmed

1. Islam determined two divorces only in which a man can take back his wife.
2. It prohibited the divorcing husband to take some or all of the dower he gave his wife upon marriage.
3. It prohibited the husband to withhold the wife following her idda with the purpose of harming her.
4. It prohibited a woman's guardian to prevent her after idda to remarry or reunite with her husband with a new marriage contract if both parties agree to that on equitable terms.
5. Islam gave the wife the right to condition in the contract her right to divorce herself.
6. Islamic law decided adequate support to a divorcee in addition to her deferred part of the dower in observance of Allah's saying: ***"But bestow on them (a suitable gift), the wealthy according to his means, and the poor according to his means; a gift of a reasonable amount is due from those who wish to do the right thing"*** (Sûrat: Al-Baqarah, verse 236), and also his saying; ***"For divorced women Maintenance be provided) on a reasonable (scale). This is a duty on the righteous"***. (Surat: Al-Baqarah, verse 241). The amount of the gift is decided according to an agreement between husband and wife, good willed people or the judge.
7. Islam gave the woman the right to Khul' i.e. her right to ask for

divorce by availing herself with compensation for the husband. Allah the Almighty says: ***"If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom"***. (Surat: Al- Baqarah, verse 229).

8. Islam has made it incumbent upon the husband to support the divorcee during idda. If she is pregnant he has to pay her all costs until she gives birth. Allah Almighty says: ***"And if they are pregnant, then spend (your substance) on them until they deliver their burden."*** (Surat: Al- Talaq, verse 6).

9. If she gives birth she could breast-feed the baby for two whole years. The husband has then to support her and the baby during breast feeding period. Allah the Almighty says: ***"The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term."*** (Surat: Al-Baqarah, verse233).

10. Islam gave the mother the right to keep and nurse her child. It has rather given her priority in his custody.

11. If a man divorced his wife while suffering from a fatal disease with the purpose of disinheriting her in case he dies, it would be called (a deceiver's divorce) and is legally invalid. If he dies she is entitled to her share of her husband's inheritance even if he had divorced her. No one can miss how Islam protects a woman's right, by means of this ruling.

12. The Quran has associated divorce verses with the call for observing Allah's limits that He ordained. Allah the Almighty says: ***"Such are the limits ordained by Allah, which He makes plain to those who understand."*** (Surat: Al-Baqarah, verse 230); and says: ***"Those are limits set by Allah: and any who transgresses the limits of Allah, does verily wrong his (own) soul."*** (Surat: Al-Talaq, versel); and He says: ***"And know that Allah knoweth that is in your hearts, and take heed of him..."***(Surat: Al- Baqarah, verse 235). Also He says: ***"Those are limits (set by) Allah: approach not nigh thereto."*** (Surat: Al- Baqarahu verse 187).

Preventing harm by Ilaa' (an oath of desertion) and divorce by Zihar

El-Sayed Muhammad Rashid Ridah says: (61) "Elaa' (vow of continence) means when a man gets angry with his wife he swears not to come near her. The Legislator has given him four months to go back on his oath and resume marital life to be forgiven. If he doesn't, harm should be prevented by divorce. Some Imams say that divorce is valid following the four months and is considered irrevocable while others say that the judge should make him choose either to renounce his oath and return to his wife or to divorce her. The two opinions are based on the verses 226 and 227 of Surat Al-Baqarah".

As for *Zihar* it means that a man makes his wife forbidden to him by resembling her to his mother. The most famous words of repudiation used in pre- Islamic times were "you are to me like my mother's back). Islam has forbidden Zihar and made its expiation to set free a slave before the man touches his wife or to fast for two consecutive months and if he cannot then he has to feed 60 poor people which is mentioned at the beginning of chapter 58 of the Quran.

Divorce Restrictions and children care

Islamic legislation, which allows divorce while restricting it, is an integrated one which has not missed human nature but has trimmed it and kept it away from deviation and suppression. Sayed Qotb says: (62) "It is necessary to start remedying the first signs of disobedience (deviation) before becoming grave because it would lead to the corruption of this serious organization (he means the family) which does not allow settlement or assurance. The education and preparation of youngsters will be inconvenient in such a serious fortress. The result would be the fracture and destruction of the whole and the vagrancy of its youngsters or their upbringing amid destructive factious bound to lead to psychological, nervous and physical diseases as well as to perversity".

When Islam allowed divorce it did not miss its detrimental

consequences to the family, especially the children. Yet it noticed that this would be less dangerous compared to the more serious harm afflicting the family and the whole society if it preserved a confused marriage with its incoherence and complexes from which the children may suffer and may perhaps deviate from the right path.

Therefore, we see the wisdom of Allah the Almighty in making desertion in bed only rather than complete desertion before the children which would instill in them evil and corruption.

The Islamic law is the only one to apply the system of reunion in idda, being keen on resumption of marital life. Reunion in idda is thus valid by means of any indication whether by word or deed, without the consent of the wife or the need to make a new contract.

Among the advantages of Islam is that it ordered husbands not to let their wives leave their homes during idda because staying in the house of the husband may open the way for get together and reconciliation which would have a good impact on the children. On the authority of Al-Qassem Bin Muhammad and Soliman Bin Yasser (63) *"that Yehia Bin Said Bin Al-Asi divorced the daughter of Abdul Rahman Bin Al- Hakam. Her father moved her to his house. So A 'isha, wife of the prophet (P.B. U.H) sent to Marawan Bin Al-Hakam, Emir of the city a message "Be faithful to Allah and send her back to her house".*

On the authority of Fatima Bint Qays she said:(64) *"The Quran is between you and me. Allah the Almighty says:* ***"And turn them not out of their houses, nor shall they (themselves) leave except in case they are guilty of some open lewdness, those are limits set by Allah: and any who transgresses the limits of Allah, does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation."*** (Surat: Al- Talaq, verse 1).

She said: "This is for the case of reunion so what happens after the third divorce? Why are you keeping her? Therefore, the divorcee by a revocable divorce should stay during the waiting period in her husband's house perhaps Allah might reconcile them

and they would reunite. As for the divorcee irrevocably, she has to leave her husband's house as there is no way to return to her husband unless she marries another one.

Because Islam is keen on avoiding the dispersion of the children upon divorce, it made the divorcing husband more rightful to reuniting with his wife during idda than any other man wishing to marry her after idda. Allah the Almighty said: ***"And their husbands have the better right to take them back in that period, if they wish for reconciliation."*** (Surat: Al-Baqarah, verse 228).

Islam has also taken into consideration, when separating husband and wife, the preservation of lineage by determining idda. During this period, it would be evident whether the womb is free from pregnancy or not.

Islam also gave the mother the right to child custody and suckling, a matter which supports the children's upbringing and boosts their characters by means of their mother's tenderness and care.

These are some of the rights granted by Islam to a divorced woman. The lawfulness of divorce then in Islam is necessary and if it is denied by any legislation it would be deemed incomplete and unfit for every environment and all times.

In his book *principles of legislation,* Pantham says: "Indeed, life- lasting marriage is the most suitable for man and his needs and is the most convenient for family affairs and most entitled to be adopted. But if the woman provisioned that she would not be separated from her man even if love was replaced in their hearts by hatred, it would be an objectionable matter unaccepted by the people. Yet this condition exists without being asked by the woman, as church law rules by it. It interferes between the contractors telling them: you are to be wed to be happy but you have to know that you are to be placed in a prison whose gates will be firmly locked and you would not be allowed to come out even if you fight with the weapon of hostility and hatred," Then he comments "Had death alone been the savior of such a marriage, types of murder would have varied and its methods extended"[(65)].

THIRD: POLYGAMY

A religion that prohibits adultery and imposes extreme penalty on those committing it, is better suited to open an alternative way to gratify the sexual instinct, avoid evil and to preserve lineage. The sexual nature of man may be too strong to be content with one woman. And so if the way to polygamy is blocked, another door i.e. adultery would be opened.

Islam considers adultery a great impudence, absolutely forbidden. Allah says: ***"Nor come nigh to adultery: for it is indecent (deed) and an evil way"***. (Surat: Al- Issra', verse 32).

This major sin is among the crimes on which penalties are imposed in observance of Allah's rights. Allah has associated adultery with murder in his saying: ***"Nor slay such life as Allah has made sacred, except for just cause, nor com/nit fornication"***. (Surat: Al- Furqan, verse 68) and with idolatry and theft in ***"to take the oath of fealty to thee, that they will not associate in worship any other thing whatever with Allah, that they will not steal, that they will not commit adultery (or fornication)"*** (Surat: Al-Mumtahana, verse 12). The Quran sets a worldly penalty for adultery in His saying: ***"The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes: let not compassion move you in their case, in a matter prescribed by Allah..."*** (Surat: Al-Noor, verse 2). (The aim of the severe punishment for adultery[7] in Islam is rendering psychological treatment to the potential culprit, so that he or she would not commit it. And so the stoning penalty retains its cruel ruling in theory yet it is completely missed in reality through testimony (*) because Islam is so strict in this respect, Execution of the penalty is also rare through confession).

* Because of the severity of the adultery penalty, Islamic law set strong restrictions to guarantee accuracy in proving the crime.

The penalty for adultery in the old Testament is also death, if the adulterer and adulteress are married, the penalty is stoning. The old Testament says *"The man who commits adultery with a married woman. The man who commits adultery with his neighbor's wife must die, he and his accomplice"* [66].

Islam came while there were *two* different systems: unrestricted polygamy, prevailing in the Arab peninsula and monogamy adopted by the Christians. Islam did not recognize either of them for it did not accept the idea of forcing people to stick to monogamy because this system has failed in practice, For, a man used to marry one woman and takes as many mistresses as he wishes, which does not go with principles of Islam. It has neither accepted unlimited polygamy of the Arabs, as it humiliated woman and made her a playful tool to gratify the sexual desire.

Since the general rule of Islam is moderation, it acknowledged the principle of polygamy but restricted it. Mr. Sayed Qotb says: [67] "Islam has not missed the unusual nature of some men who do not suffice with one woman and look ahead for another and another. If such nature does not find another woman in the world of decent public marriage, it is bound to find it in the world of vice in some way or another".

Islam Reform of Polygamy

Allah the Almighty says: ***"If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if ye fear that ye shall not be able to deal justly (with them) then only one..."*** (Surat: Al- Nisaa, verse 3).

Mr. Muhammad Rashid Ridah says: "Now we have three decisive issues:

First: Islam has not made polygamy necessary and has not recommend it either. It has only mentioned that a polygamist is hardly safe from prohibited injustice. The wisdom behind this is to dissuade a man who reflects

upon this matter and make him think about his intention and the future requirement of the obliged justice.

Second: it has not forbidden it altogether considering men's nature and their inherited deep-rooted custom all over the world of mostly not being confined with one woman in addition to the need of some of them to have an offspring in case of the sterility of the wife, her old age or any other reason that prevents pregnancy. Polygamy is also allowed because women may outnumber men in certain times and in some places especially in the aftermath of wars when thousands of women do not find men to support and protect them though there might be strong and rich men who could marry two or more women.

Third: For these reasons. Islam allowed polygamy but it defined the number to be not more than four and restricted it with the ability to be fair and willing . With these conditions, the harm of polygamy is avoided and its benefit is hoped for (68).

Ulamas made a consensus that fairness is a prerequisite for polygamy. Al-Hassas says: (69) "Allah ordained confinement to one wife if the husband fears to show inclination (to one more than others), injustice and unfairness"

Sheikh Mahmoud Shaltoot (70) the former grand Imam of Al-Azhar says: "It is evident that allowing polygamy does not depend on anything beyond securing justice and not fearing injustice concerning man's ability to provide expenses, housing and clothing".

Sheikh Muhammad Abu Zahra (71) sees that verse (4:3) indicates its permissibility providing that justice prevails while it indicates confinement to one wife if injustice is feared.

Sheikh Muhammad Abdou (72) said in his commentary on the verse: "polygamy came within the context of orphans and prohibiting the act of taking their money even if by marriage". He said: "If you feel that you fear from taking the money of an orphan wife you ought not marry her. Allah has given you an

alternative to marry other women up to four. But if you fear that you will not observe justice among wives or two wives, you have to stick to one only".

The Reason for Revealing the Quranic Text

First: Al Bukhari reported through Hisham Bin Urwa from his father from A'isha [73] "A man married an orphan girl who was under his guardian. She owned (either palm trees or a vineyard). He married her because of her property and not out of love. So the verse, ***"If you fear that you shall no/ be able to deal justly with the orphans"*** was revealed.

Second: It is mentioned in the Two Sahihs, Sunnan Al-Nessa'i and Al-Bahiqi on the authority of Ibn Shehab, he said: [74] "Urwa Bin Al-Zubair told me that he asked A'isha about Allah's saying: *"If you fear that you shall not be able to deal justly".* She said: "O My nephew, you find that an orphan girl is under the care of her guardian. She makes him share her money and he is attracted to her beauty and money. He would then marry her without giving her a fair dower. Guardians were then forbidden to marry orphans under their guardianship unless they do them justice. They were ordered to marry whomever they wash other than orphans".

Arwa says A'isha said *"The people asked Allah's Messenger after this verse, so Allah revealed:* ***"They ask thy instruction concerning the women. Say: Allah doth instruct you about them; and (remember) what hath been rehearsed unto you in the Book, concerning the orphaned women to whom ye give not the portions prescribed and yet whom ye desire to marry."*** (Surat: Al-Nisaa, verse 127). So they were forbidden to marry orphan girls for whose money and wealth they wished, unless they do them justice because they would refrain from marrying them if their share of money and beauty is modest.

Third: It was reported through Hesham Bin Orwa from his father from A'isha she said [75] this verse *"If you fear that you shall not be able to deal justly with orphans..."* was revealed as a rich orphan girl might be under the care of a man who would perhaps marry her for her money despite his dislike of her, then he would beat and ill treat her. So men were instructed about that.

That wisdom behind the prohibition is evident. Fear of injustice is likely to be in case of the marriage of a guardian from an orphan under his care for the mere sake of her wealth.

It crosses the mind that in this case the girl is a relative, as she is a rich orphan under the guardianship of one of her relatives. He fears that her money would be taken by a stranger, so he marries her or marries her to his son. She might not be beautiful and so she is subject to harm.

The previous verse urged extending care to the orphan and giving him/her his/her money. This matter was stressed by the assurance of Allah who knows all about the nature and tricks of human souls. A man may lay hands on the orphan girl's money by marrying her under the pretext that she is under his care. The verse indicated that if you fear doing injustice to an orphan girl after marrying her, it is better to marry another woman to avoid injustice.

It was also reported on the authority of Qatada [76] concerning the same verse, that "as you fear injustice to orphan girls, also fear the same thing when you have more than one wife (in pre-Islamic times, a man used to marry up to ten women). Allah allowed only up to four in His saying "Two or three or four, but if ye fear that ye shall not be able to deal justly (with them), then only one".

This means that if you fear not to be fair in dealing with orphans' money then you should also fear to be unjust in the rights of women, ordained by Allah. You should not marry them unless you are sure to be just to them.

The Legislator, when licensing this, conditioned that the plurality of wives should not lead to other injustice. For, He was keen not to drive away injustice from orphan girls by doing injustice to the wives whom a man marries. So He was keen on drawing the attention that if injustice among wives is feared, a man must marry only one.

It is noteworthy that Allah the Almighty warned against injustice in both cases with the same phrasing and meaning He said about orphans: ***"If you fear that you shall not be able to deal justly with orphans"*** and said about wives: ***"But if you fear that you shall not be able to deal justly (with them)".***

Qortobi says: (77) "Allah's saying: *"if you fear"* i.e. if you doubt which is a conditional sentence "many" i.e. if you fear to be unjust about their (orphans) dowry and expenses, then marry whomever you wish other than them".

El-Sayed M. Rashid Ridah says: (78) "It is as if Allah says "If an orphan girl is under your care and you wished to marry her yet your fear that you would not give her a reasonable dower you should not marry her and find another one who is allowed and who is to your liking".

Concerning the verse "If you fear that you shall not be able to deal justly (with them) then only one", Al-Alousi says: (79) "i.e. if you fear that you cannot be fair even with the least number (less than four), then choose only one".

It is revealed through the above mentioned that marrying one is the closest to being fair and to avoiding injustice because the verse does not only indicate fairness but also keeping away from injustice.

Al-Kasani said: (80) "Allah the Almighty recommended only one wife when fearing to be unjust upon marrying more than one. He indicated that justice concerning their shares and expenses is a must If the man has two women, he must be equally fair in food, beverage, clothing, housing and staying over nights" An interpretation to the same meaning came in Qortobi's *Al-Jami'Li Ahkam Al-Quran* (Collective Book for Quran Rulings) (81).

The verse reads: ***"If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if ye fear that ye shall not be able to deal justly (with them) then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice".*** (Surat: Al-Nisaa, verse3).

The basic of the verse is fear of injustice.

The middle of the verse is ***"If ye fear that ye shall not be able to deal justly (with them), then only one".*** The end of the verse says: ***"This will make it likely that you will avoid injustice"*** i.e. you have not to maintain many if you confine yourself to only one even if Islamic law allowed you more than one [(82)].

Plurality of wives, if meant to beget many children, should be conditioned by the man's financial capability to support them, fulfil their needs and his obligation towards them. For, having many children may lead to injustice; the father prompted to unlawfully lay hands on other's money to support his children. In this respect, Al-Zamakhshari said: [(83)] "Because he who has many children has to sustain them and this makes it hard for him to maintain the limits of lawful earning and good sustenance".

Having many children may ultimately lead to injustice. This is what is meant by the verse when it indicated confinement to one wife.

The Meaning of Justice

Allah allowed polygamy but he conditioned for it the realization of justice among the wives as He says: ***"If ye hear that ye shall not be able to deal justly with the orphans...But if ye fear that ye shall not be able to deal justly (with them), then (marry) only one ...*** "(Surat: Al-Nisaa, verse 3).

Then He mentioned in another verse: ***"Ye are never able to do justice between wives even if it is your ardent desire, but turn not away (from a woman) al-together".*** (Surat: Al-Nisaa, verse 129), i.e. this justice is impossible even for the one who is keen to achieve it among his women. It could be understood that having

two wives simultaneously is unlawful. Yet the researcher should explain that the conditioned absolute justice in the first verse is not that of the impossible justice in the second verse. Marital relations are intermingling, some are material such as expenses, housing, clothes .. .etc things that a husband could deal with fairly among his wives. Others are abstract such as affection and inclination which the husband can not control. That is why Allah who knows well that man is incapable of doing so said "But turn not away (from a woman) altogether".

Conditioned justice in the first verse, whereby polygamy is allowed, is limited to superficial material justice which a husband can achieve such as expenditure, housing and staying at each's house. As for the impossible justice of the second verse, it is a moral one which the husband cannot achieve as love and heartily inclination.

If there had been no justice Allah would not have, in Sheikh Shaltoot's words: (84) "indicated polygamy in case of fearing of doing injustice to female orphans and would not have laid down justice among wives as a condition for polygamy in such a way as to denote one's ability to do so and then He negates the husband's ability to do it".

Commentators such as Ibn Abbas, Al-Hassan, Qatada, Mujahed and Abu Ubaida and others say that justice indicated as impossible in this verse is equality among wives in affection and natural inclinations (85) In his commentary, Al-Tabari said: (86) "ye are never able to do justice even if it is your ardent desire... means that you men will never be able to achieve equality among your women in loving them in order to be just to them because it is beyond your control even if you are so keen and ardent to treat them equally in that respect".

What is meant by Allah's saying: ***"ye are never able to do justice ..."***, is not absolute negation of justice, hus prohibition of polygamy is rather an acknowledgement of a psychological and social truth indicating inability of absolute justice among wives.

The controlling factor is in Almighty's saying: ***"But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air)"***. And Allah forgives His subject for what is beyond his control.

There are then two kinds of justice: ***the first*** is ***possible justice*** for an ordinary man in a normal case. This is the kind of justice which is required and conditioned for polygamy and involves the material side of providing equal shares of, for instance the husband's time and kind treatment to his wives. ***The second kind*** is the ***impossible justice*** which is beyond human capacity and could not be realized by the people even if they were so keen on it. It is the justice in heartily inclination and love. It is the justice referred to in the second verse and yet its impossibility does not prohibit polygamy. The verse meant to forbid absolute inclination toward one in particular. This is what is alluded to in His saying, *"But turn not away altogether was to leave her hanging'"* Ibn Kaihlr said: (87) "that is to say that if you are inclined to one of them do not exaggerate in your inclination so as to leave the other wife in between neither married nor divorced".

This means that some sort of inclination is allowed; it is even inevitable and the husband is not to be punished for that by the Almighty. That is why Allah ended the verse by: ***"If you come to friendly understanding and practice self-restraint, Allah is often forgiving. Most merciful"***.

The interpretation of the two verses as Sheikh Shaltoot says: "conform to the loftiness of revelation and the wisdom of legislation and is denoted from the context. The reason for the revelation of the second verse is that when it was said in the first verse ***"if you fear that you shall not be able to deal justly with them"*** it was understood that justice among the wives is a must. It crossed the mind that justice in general means absolute justice which is only achieved by equality in everything: what the husband has within his control and what is beyond it. The believers were thus embarrassed and they had all the right to be embarrassed, for justice in this sense is impossible because it

involves things out of their choice. The second verse came to guide the people to the required justice in the first verse and to lift the embarrassment they imagined in His saying: ***"If you fear that you shall not be able to deal justly (with them)"*** But Turn not away (from a woman) altogether, so as leave her (as it were) hanging (in the air).

With this logical coherent association, the verse come into harmony with each other. The verse at the end of Surat Al-Nisaa is consistent with that mentioned at the beginning concerning absolute justice conditioned for allowing polygamy. Imam Gassas [(88)] was able to perfectly associate the two verses. He interpreted required justice for plurality as the possible justice which accounts for equal shares of time and living facilities and interpreted justice emphatically negated in the second verse as equality in love and heartily inclination.

Such definition separating possible justice conditioned for polygamy from impossible justice excluded as a condition for allowing polygamy, is plainly clear in the prophetic interpretation: on the authority of A'isha [(89)] she said: *"the Messenger of Allah (P.B.U.H) used to divide justly among his wives and say: "O Allah, this is my division of what I control so do not blame me for what you control and I do not".*

The Messenger of Allah (P.B.U.H) meant by what Allah controls and man does not: love and heartily inclination which are not of one's choice. The prophet (P.B.U.H) understood this concept from Allah's saying ***"ye are never able to do justice between your wives even if it is your ardent desire; but turn not away (from a woman) altogether, so as to leave her (as it were) haning (in the air)..."*** (Surat: Al-Nisaa, verse 129) [(90)] (i.e. justice in love and heartily inclination are unrequired and impossible. But the husband should not be wholly inclined to one wife leaving the other in between as if neither married nor divorced. She neither has a husband to hope for his kindness nor is she divorced to hope for marrying another man . A husband has to redress matters and observe Allah's saying in not inclining the

way Allah forbade.

Imam Shafie said [91] "I heard some knowledgeable people say something in the sense of: you can never be fair with what concerns the heart; so do not incline wholly so that your head follows your whims. Inclination then would be beyond your control and therefore the wife would be left suspended. For Allah the Almighty overlooks what is in the hearts and considers the people's deed and saying. So if he inclines by deed and word it becomes wholehearted inclination".

To sum up the issue of justice: Allah the Almighty allowed polygamy for the one who could be fair financially. But Allah did not make it incumbent upon the husband to be fair in love and heartily inclination because this is a matter beyond man's ability since hearts are in the hand of Allah who turns them as he wishes. But Allah drew the attention of the Muslims not to follow their heartily inclination in such a way as to make them fail in doing possible justice to their wives. Thus we see that Allah commented on the inability of heartily justice by saying: ***"But turn not away (from woman) altogether, so as to leave her (as it were) hanging (in the air)..."*** i.e. not to be passionately inclined to the wife you love which would lead you to doing injustice to the other wives by not fulfilling your duty to them in supporting and being kind to them. You will then leave each one of them as if hanging in the air; she becomes neither married nor unmarried.

The Wisdom Behind Polygamy

Allah the Almighty allowed polygamy to be a remedy for many individual and social problems which are not subject to law organization.

If we justly look at polygamy, we shall find that there are reasons that make it required and acceptable. Prohibiting polygamy, while there are these reasons, would be against the nature with which Allah created man. Such prohibition would lead to the widespread of corruption in society and the people's

deviation from the right path.

Polygamy, permitted by Islamic law has its limits and restrictions. A Muslim should not marry more than one if he cannot realize the justice conditioned in the verse. It may be deduced from this approach that the spirit of the law loathes polygamy and favors attachment to one wife.

Thus this question may be raised: if the principle of one wife seems more noble and lofty than polygamy why has not Islamic law prevented it altogether?

Dr. Abdul Magid Al- Labban [92] answers "The important thing is not to lay down principles, for principles are not meant to be studied but to be applied to human life. It is not enough for the principle to be sublime. What the human nature could implement worldwide without embarrassment or effort should be chosen from among sublime principles. This is what Islamic law achieved. It is distinguished by advantages that are not found in man-made laws. Among such advantages is that Islam complies to man's nature and treats his circumstances without complications. Divine laws are supposed to face all possibilities".

Such polygamy has its prerequisites found in every age and society. Some of them are attributed to fulfilling man's needs and others to the interests of the society.

As for the individual's needs:

1- Islamic law found it necessary to deal with human desire to have an offspring. In some non-Muslim sects, people sometimes resort to altering their religion to find a way to fulfilling this desire or say their natural right. The steadfastness of laws and their inconformity with human nature make the individual always try to slip away from these laws. If he abides by them, he would do it unwillingly and if he finds a way to breach them, he would not hesitate to do so.

   If the wife was sterile, Islam gave the man the right to beget children. Islamic law tackled this matter by allowing man to

marry another woman in order not to deprive him of his natural right which is to have an heir who would bear his name and commemorate him. We find that some of Allah's prophets yearned for this natural right i.e. having an offspring like Zakaria when he said: ***"Now I fear (what) my relatives (and colleagues) (will do) after me; but my wife is barren: So give me an heir as from thyself,- (one that) will (truly) inherit me, and inherit the posterity of Jacob.,."*** (Surat: Maryam, verses 5 and 6).

One may perhaps mention here what happened to Ibraham when his wife Sarah voluntarily offered him her slave Hagar to marry her when she felt his need for a child. This is mentioned in the old testament Genesis 16:1.2 and 3. "now Sarah, Abram's wife, bore him no children. She had an Egyptian maidservant named Hagar, so she said to Abram, "Behold now, the Lord has prevented me from bearing children, go in to my maid, it may that I shall obtain children by her". And Ibraham hearkened to the voice of Sara. So, after Ibraham had dwelt ten years in the land of Canaan, Sarah, Abram's wife, took Hagar the Egyptian, her maid, and gave her to Abram her husband as a wife.

As for the woman's right to have children if her husband is sterile, Islam does not deprive her of her right to be a mother if she wanted to be separated from her husband after divestiture (i.e. to give up every thing that the husband gave her). Then she can remarry and have children.

As Islam gave man the right to remarry if he wished to fulfil his natural desire in having children, it has not deprived woman of the same right if she wished. For Islam does not forbid a divorced woman from remarrying.

2- Some wives may be afflicted, during marriage with certain diseases that make them unfit for marital life. If the husband has done his duty fully towards her by providing all possible treatment and yet the disease is incurable and she has become unfit to perform her function as a wife or she is one of these

women whose monthly period remains for long days or she suffers from continuous bleeding for instance or she is sexually cold or alike symptoms, it is unfair that the husband remains superficially married. It is equally unfair that the husband releases this sick wife who did nothing against her husband. The man then has two choices either to gratify his sexual desire illegally- a matter denied by all heavenly religions-or seek to fulfil it legally by having another wife. If his faith prevents polygamy he would be obliged to release his wife, which is an inhumane act refused by the conscience and all honorable human inclination.

Polygamy then becomes a necessity to protect the husband against sin and at the same time it protects the sick wife from being released while she is sick and unfit for another husband.

One may ask: Does loyalty not dictate that the husband provide care to and be patient with his sick wife and does not leave or divorce her or even increase her pain by marrying another wife because she is not to blame for her deficiency?

The answer is that if we consider it objectively, we find it unacceptable that the husband suppresses his desires and lives with a sick wife for good when Islamic legislation allows a wife to ask for a divorce if her husband becomes sick or impotent and she fears temptation.

Yet it should be noticed that Islamic law has not made it a must for a man to remarry immediately if his wife becomes sick. It has not made it a must either for a wife to ask for dissolving marriage when her husband becomes sick or impotent. It has just allowed them to do so. If they wish to remain loyal to each other, each thus deserves the reward of the patient ones which is the best in Islam: ***"Those who patiently persevere will truly receive a reward without measure!"*** (Surat: Al-Zumur, verse 10).

As for society needs

Polygamy may be sometimes necessary for preserving the

honour and absorbing the surplus number of women especially in the aftermath of wars when large numbers of men are killed. Then one of two cases is inevitable either complete moral degradation in societies where women outnumber men with an ensuing chaos and confusion as the case was following the two world wars, or man is allowed to marry more than one woman. On the authority of Moussa that prophet (P.B.U.H) said: [93] *"...and a man is seen followed by forty women asking his help out of scarcity of men and abundance of women".* Plurality of women in such cases is considered a favour because it provides protection for those deprived of marriage.

Since Islamic legislation has solved this issue by allowing polygamy in such cases, it is then the ideal legislation which did not miss such a phenomenon.

However, a husband of more than one wife may suffer. The Messenger of Allah himself suffered from the jealousy of his wives. It is reported by Anas [94] *"The prophet (P.B.U.H) was at one of his wives when one of the mothers of the believers (one of his wives) sent him a dish of food, so his wife at whose house the prophet was staying struck the hand of the servant causing the plate to fall down and split. The prophet (P.B.U.H) gathered the broken pieces and said "your mother felt jealous". Then he detained the servant until he brought a dish from the one in whose house he is staying and gave it to the wife whose dish had been broken and kept the broken one at the house of the wife where it was broken".*

Prophet Ibraham also suffered from the jealousy of his wife Sarah when Hagar became pregnant. He had to take her and her child away to a barren valley. Allah the Almighty says the words uttered by Abraham: ***"O our Lord! I have made some of my offspring to dwell in a valley without cultivation, by thy Sacred house..."*** (Surat: Ibrahim, verse 37).

The wisdom behind Allah forbidding a man from marrying a woman and her aunt (on her father's or mother's side) or her niece

is that it is bound to cut family ties, which Allah ordained to be observed, as a result of the inevitable conflict among co-waves. (*)

The legitimacy of polygamy in Sunna

Polygamy was allowed before the Quran was revealed. But there was no limit as to the number of wives. There was no need to state the permissibility of polygamy in the Quran for the sake of licensing it. It was enough to keep the people's tradition of polygamy without having to state it textually in the Quran to indicate the permissibility of polygamy.

If the aim of the Quranic text was only to indicate that polygamy is allowed, the permissibility would have been mentioned at the beginning of the verse and there would have been no need to mention the issue of orphan girls or mention polygamy within the issue of the orphans, Rather, there was a persistent need to lay down restrictions and rules, the reason why Islamic legislation, retained polygamy but denied its eccentricity and indefinite number.

It therefore confined it to four wives and yet preferred one wife for the husband who would like to protect himself against injustice. Allah the Almighty said: ***"But if ye fear that ye shall not be able to deal justly (with them) then only one..."***.

There is great difference between a legislation that establishes polygamy that did not exist and another that restricts and limits polygamy that is already practised.

The Sunna supports the concept of four as the maximum number of wives, for instance:

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* In woman: *A Viewpoint* by Essmat Mussa Al- Khatib, Dar Al- Thaqafa press, Mecca, 1973, p. 105, the author asked a number of thinkers whether a woman had an influence on their lives, Mr. Mohamed Bajuda, Director of the Central Administration of Registers in Riyadh related an interesting story "*a* woman had adversly affected me, that is my second wife who was a trouble-maker and threatened to slaughter us with a knife. Allah saved us from her. I divorced her and kept my first wife. I sweared not to marry another woman as long as my first wife remains with me ".

1. Al- Hareth Bin Qais [95] *narrated that (I embraced Islam having eight -women. I mentioned that to the Prophet (P.B.U.H) so he said "Choose four of them".*

2. It is reported through Ibn Omar [96] *that Ghilan Bin Salma Al-Thiqafi embraced Islam while having ten women whom he had since pre- Islamic days. They embraced Islam along with him so the Prophet (P.B.U.H) ordered him " to choose four of them".*

3. It is narrated that Naufal Bin Mu'awia [97] said: *I embraced Islam while having five women. I asked the prophet who said " leave one and keep four*".

The prophet's saying "leave one" without specifying a reason for that very number indicates that it is not permitted to take more than four.

Islam has not conditioned that polygamy takes place only for an urgent necessity as sickness or sterility of the wife because Islam takes into consideration all human circumstances. It considered that some men are not gratified with one woman and some others cannot bear to stay too long without intercourse, for particular reasons.

Imam Al- Ghazali [98] mentioned that among the reasons for permitting polygamy is "some men have a nature characterized by a strong natural desire so that one woman is not enough for him, Such a man could preferably have more than one wife up till four..." Islam did not leave this gap in human life unbridged.

Islamic legislation laid down the principle of polygamy to face life problems under various circumstances and to protect society from the spread of adultery and the ensuing illegitimate children. There has been no need to commit such a sin when Allah allowed the alternative of polygamy providing that the husband is just to his wives.

Dr. Mustafa Al- Siba'i [99] said in support of this opinion. "There still remains one case in which I would like to be also frank. The husband may have such a sexual power that one wife is

not enough for him either because of her old age or because of the many days which sexual intercourse cannot take place due to the monthly period, child birth, sickness, or alike. In this case we find it best that he be patient. But if he could not, what would he do? How could we treat him? Would we allow him prohibited sexual relations? Or we allow him to marry another wife? Here morals interfere, so do not hesitate to prefer the second case to the first".

Allah's Messenger being Special in having Nine Wives

Ibn Kathir says: (100) "The Prophet (P.B.U.H) never failed to implement the Islamic restriction of having not more than four wives. He did not accept to let men marry more than four submitting to the matter of fact or to preserve the existing conditions. He ordered those who embraced Islam while having more than four wives to leave the extra number of wives. If it were allowed to keep more than four wives the Messenger of Allah would have found reason to keep for the Muslims the companionship of their wives especially when they have embraced Islam. When Allah ordered him to let Muslims keep four and release the others, it indicated that it is not permitted to keep more than four at any rate".

Al-Alousi says: (101) "the Prophet's many marriages took place before the verse, which restricted wives to four, was revealed. But because it was not allowed for anyone to marry mothers of the believers (the prophet's wives) if he leaves some of them, the prophet kept them as Allah allowed him to".

Al- Qortobi said: (102) "Allah the Almighty honoured the Prophet's wives by making them mothers of the believers. As such they were to be respected, treated kindly to be venerated, prohibited to remarry after the Prophet and veiled so as not to be seen by men unlike the other mothers".

When the Messenger (P.B.U.H) legislated for his nation to keep four wives and release the rest, these women were allowed when divorced to marry other men. But this was prohibited in the

case of the prophet because his wives were forbidden for the rest of the people. They had no other way but to remain as the Messenger's wives. That is why Allah allowed the prophet to retain them in His saying: ***"O Prophet ! We have made lawful to thee thy wives to whom thou hast paid their dowers".*** (Surat: Al-Ahzab verse 50).

Imam Shafie says: (103) "The tradition of the Messenger of Allah (P.B.U.H) indicated by Allah denoted that no one except the prophet (P.B.U.H) could marry more than four wives simultaneously".

But restriction however affected the prophet himself in another way by means of a Quranic text. For, he was not allowed to remarry other than the wives he already had even if one of them died. He was not allowed to replace them even if he was attracted to the beauty of other women. This is what the prophet himself was deprived of. rather than the rest of the Muslims. Allah says: ***"It is not lawful for thee (to marry more) women after this, nor to change them for (other) wives, even though their beauty attracts thee".*** (Surat: AI-Ahzab, verse 52).

No wonder that prophets, messengers and their wives are specified with matters particularly granted to them by Allah for certain reasons and lofty wisdom. Among the peculiarities of the Messenger of Allah Mohamed is prohibiting his wives to marry other men after him. Allah says: ***"Nor it is right for you that ye should annoy Allah's Messenger, or that ye should marry his widows after him at any time".*** (Surat: Al-Ahzab, verse53).

Among the peculiarities of the Messengers' wives are the following:

- Allah the Almighty said: ***"O Consorts of the prophet! If any of you were guilty of evident unseemly conduct, the punishment would be doubled to her..."*** (Surat: Al-Ahzab, verse 30).
- Allah the Almighty said: ***"But any of you that is devout in the service of Allah and His Messenger and works righteousness, to her shall We grant her reward twice: and We have***

prepared for her a generous sustenance". (Surat: Al-Ahzab, verse 31).

- Allah the Almighty said: ***"O Consorts of the prophet! Ye are not like any of the (other) women: if ye do fear (Allah), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just".*** (Surat: Al- Ahzab, verse 32).
- Allah the Almighty said: ***"And stay quietly in your houses, and make not a dazzling display, like that of the former Times of Ignorance; and establish regular Prayer, and give Zakat and obey Allah and His Messenger, and Allah only wishes to remove all abomination from you, ye Members of the Family, and to make you pure and spotless".*** **(Surat: Al-Ahzab, verse 33).**
- Allah also said: ***"And recite what is rehearsed to you in your homes, of the Sings of Allah and His wisdom..."*** **(Surat: Al-Ahzab, verse 34).**

Associated with these verses is His saying: ***"O ye who believe! Enter not the Prophet's houses, until leave is given you... And when ye ask (his Ladies) for anything ye want, ask them from before a screen: that makes for greater purity for your hearts and for theirs".*** (Surat: Al-Ahzab, verse 53). (*)

The verse of the veil is plain in that it concerns the Prophet's (P.B.U.H) wives. When any man used to come to their houses asking for something, he could not enter the house but used to ask for it from behind curtains.

It is noteworthy that Allah's saying: ***"And stay quietly in your***

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* Dr. Yussef Al-Qaradawi, op. cit, p.328 commented on this verse "It concerns the Prophet's wives as it is obvious. Saying that the general meaning of the word is what counts rather than the specific reason does not apply here. The term in this verse is not general. Making an anology between other women and the Prophet's wives is rejected because there are differences. For the Prophet's wives carry a burden unlike other women. That is why their reward is doubled if they do good while their punishment is also doubled if they sin. Allah has therefore said: ***"O Consorts of the prophet! Ye are not like any of the (other) women".*** (Surat: Al-Ahzab, verse32).

houses" was directed to the Prophet's wives and was preceded by ***"Ye are not like any of the (other) women".***

But his saying ***"And stay quietly in your houses"*** does not mean that they were forbidden to go out altogether because the prophet (P.B.U.H) said: (104) *"Allah has allowed you to go out to attend to your needs ".* The prophet said so when Omar Bin Al-Khattab denied Swada (one of the prophet's wives) going out after the verse of the veil was revealed.

Hafez Bin Hijar said: (105) "Almighty's saying *"stay quietly in your houses"* is a real command addressed to the Prophet's (P.B.U.H) wives. That is why Umm Salama used to say: "I do not move the back of a camel until I meet the prophet (P.B.U.H)".

El-Sayed Muhammad Rashid Ridah (106) comments on the verse of the veil saying : "The verse of the veil concerns them in text and by justification of the command. He who says the rule of: "The generalization of the word is what counts not the specific reason" is erroneous because the wording of the verse is specific not general.

The command of staying at home is addressed to the Prophet's wives as a peculiar case for them which does not apply to other women.

The report of Umm Salama confirms this, (107) she said: *"I was at the Prophet's (P.B.U.H) and Maymuna was there. Ibn Urn Maktum, who was blind, came along. This was after we were ordered to be veiled. The Prophet (P.B.U.H) said: "Hide yourselves from him." We said, "Isn't he blind and cannot recognize us? "The Prophet (P.B.U.H) said: "Are you two blind? Don 'tyou see him? ".*

If the Messenger of Allah (P.B.U.H) had forbidden some of his wives to look at Ibn Um Maktum because of the veil command, the Prophet (P.B.U.H.) said to Fatima Bint Qais (108) *"Stay during your waiting period at your cousin 's Ibn Um Maktum for he is blind".*

This was also indicated by Ibn Dawood. He said after

narrating the previous Hadeeth "This is specially for the prophet's wives. Don't you see that Fatima Bint Qais spent her waiting period at Ibn um Maktum's when the Prophet (P.B.U.H) told her *"Spend the idda at Ibn um Maktum for he is blind and you can put your clothes on there"*.

Ibn Qutaiba said: (109) "We said that Allah the Almighty ordered the Prophet's (P.B.U.H) wives to conceal themselves for He commanded us to speak to them only from behind their quarters. He said ***"And when ye ask (his ladies) for anything ye want, ask them from before a screen"*.** If the blind or the eye-sighted enters without a curtain between him and the Prophet's wives, they would be all disobedient. This is a peculiarity for the Prophet's wives. He has also made it a specialty for them not to be married to any of the Muslims. His saying: ***"Nor is it right for you that ye should annoy Allah's Messenger or that ye should marry his widows after him at any time"*.** (Surat: Al- Ahzab, verse 53), forbidding the prophet's wives to marry anyone after him, has necessitated that they be hidden from men. That is because meeting without a barrier may generate a desire in marriage whether on the part of men or women. Marriage is an instinctive and legally recommended matter. But because marriage was forbidden for the prophet's wives, mingling with men was also forbidden and they had to be asked or spoken to from behind a screen. That means that the prohibition of marriage required procuring abstinence in marriage on the part of the Prophet's wives and the believers themselves. On the other hand, this sort of address with the prophet's wives would oblige men to feel their respect and esteem. It would also instill in the hearts of the wives a sense of loftiness that drives them away from the other sex. In this way both the Prophet's wives and ordinary men would sense the feeling of motherhood that Allah attributed to the Prophet's wives. Allah the Almighty said: ***"The Prophet is closer to the Believers than their ownselves, and his wives are their mothers"*.** (Surat: Al-Ahzab, verse 6).

Some scholars (110) find that making the verse general and

comprehensive of all women goes contrary to the text of the verse. Some others find that all goodness lies in following the example of the Prophet's wives.

Woman and Polyandry

The plurality of husbands for a woman prevailed in pre-Islamic times but was abolished by Islam to protect lineage.[111] The plurality of a woman's husband causes the loss of the child's paternity especially that the child inherits his father according to the way of life as it came in the prayer of Zakaria: ***"So give me an heir as from Thyself (one that) will (truly) represent me, and represent the posterity of Jacob; ..."*** (Surat: Maryam, verses 5 and 6).

If a woman marries more than one man how is the family going to be formed ? And to whom would the child be attributed ? To the first, second, third or fourth ?

The physical formation of a woman does not allow her to have many husbands. She has one womb only. If she does marry more than one man simultaneously, it is hard to know the father of the child who would be asked to care for the child.

The matter is not so regarding polygamy of men. If a man for instance marries ten women he may have ten children in a year and all of them are related to him. As for the wife who, for example, marries ten husbands she can give birth to usually one child only in a year's time and it cannot be related to any of the husbands.

This is ***"to the nature on which Allah has made mankind: No change (let there be) in the work (worught) by Allah ..."*** (Surat: Al-Roum, verse 30).

That is why Islam recommended us to take special care of the mother. Allah says: ***"We have enjoined on man kindness to his parents : in pain did his mother bear him, and in pain did she give him birth".*** (Surat: Al-Ahqaf, verse 15). His saying: ***"... In travail upon travail did his mother bear him".*** (Surat: Luqman, verse 14), symbolicaly shows us how the mother suffers weakness

one and successive pain in the stages of pregnancy until she delivers. The verse has thus referred to the children's obligation toward the mother. Allah was keen to single her out by mentioning her in detail after mentioning her together with the father.

Asma Bint Abi Bakr [112] narrated that "*My mother who was a pagan came to me at the time of the Prophet (P.B.U.H). So I asked the Prophet (P.B.U.H) "My mother came to me wanting me. Am I to have good relations with her?" He said keep good relations with your mother*".

A man come to the Prophet (P.B.U.H) saying [113] *"oh prophet who is more entitled to my companionship?* He said *"your mother"* He said: *"Then who"*. He said: *"then your mother"* the man said *"then who"* the prophet said "*your mother"* The man said *"then who"* the Prophet said *"then your father"*.

That is because there is more sacrifice on the part of the woman (the mother) than the man, for she does not marry more than one man to preserve progeny.

Besides, some mothers bring up their children after their husbands die. The messenger of Allah considers this deed one of the greatest that raises mothers to the highest degrees. Abu Dawood reported through Auf Bin Maledk that the Messenger of Allah (P.B.U.H) said: "*I and a red-cheecked woman will be so close like these (he pointed to two of his fingers) on the Day of Judgment: A woman of beauty and position whose husband died and she confined herself to her orphans until they grew up or died*" [114].

Yet it is noteworthy that Islam forbids anyone to prevent a divorcee or widow with children to remarry and to confine herself to caring for the children in order not to deprive her of her natural right to marry.

It is therefore clear that the main reason behind Islam's prohibition of polyandry is its keenness on protecting the children against delinquency and psychological diseases so that social life would not be corrupted. It is the child's right that his parents

prove his relation to them to protect him against loss and humiliation. Proving a child's blood tie is one of the signs of Allah's ability. Allah the Almighty says: ***"It is He who has created man from water; then has he established relationships of lineage and marriage: for thy Lord has power (over all things)"***. (Suart: Al-Furqan, verse 54).

Islam has thus paid attention to the psychological aspect of the children whether males or females, it being the base for sound social structure. Islam was keen not to allow mixture of lineage from the very beginning by prohibiting polyandry.

Thus, one finds that Islam was keen to satisfy the moral aspect of a woman ever since being a child (when she knows that she has a true father and mother) more than the physical aspect if she is permitted to have more than one husband.

Freedom is an advantage but if misused it will eventually end up with psychological destruction of the children and their loss. Freedom would be thus deemed a vice.

In addition, there is another reason no less important than the first which concerns the children's health. There are many hereditary diseases which to be diagnosed and treated require the family history.

It is well-known that a baby carries half of his hereditary traits from his mother and the other half from his father. In some cases we find incongruity in one of the hereditary genes such as Human Leococytic Antigen (HLA) found on the chromosomes that carry the inherited traits of husband and wife such as chromosome 6 and the result is diseases for the child. Such diseases are R.H. disease, fetus disfiguration, diabetes, blood pressure, malignant tumours and some blood diseases. (*)

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Islamic law strongly recommended children care and was keen on preserving their rights. The first of these rights is proving the child's decent to his mother and father.

Due to the significance of real decent from a family, Islam denies the practice of adoption prevailing in pre-Islamic times. Islam prohibited it because it leads to the mixture of lineage and spoiling foundations of the family. Allah the Almighty says: ***"Call them by the names of their fathers : that is juster in the sight of Allah"***. (Surat: Al- Ahzab, verse 5).

Among the manifestations of child care is that Allah licensed a pregnant and breast-feeding woman not to fast (which is Allah's right). He preferred to His right that of the child's, lest he would be harmed because a suckling baby and a fetus have rights over their mothers.

Ibn Qayem says concerning the wisdom behind allowing polygamy and prohibiting polyandry [115] "Islam allowing a man to marry four wives and not allowing a woman to marry more than one husband is an indication of Allah's perfect wisdom, kindness, mercy and care for the interests of his subjects. If the woman was allowed to marry two or more husbands the world would go corrupt, lineage would be lost, husbands would kill each other, calamity would be greater and anarchy would prevail. How would a woman's life be while she belongs to quarrelsome husbands? How would be the life of the partners themselves?

Woman and Polygamy

In fact, a woman can allow or prevent polygamy indirectly. For marrying a second, third and fourth wife cannot take place without the consent of the woman to be married. For, the woman is one of the two parties involved in marriage and the contract cannot be concluded without her consent.

Islam does not force a woman to accept marrying an already married man because her consent is one of the conditions for the contract validity. Neither her guardian nor any one else can force

her to do so. So if she accepts to marry a married man, it would mean that the marriage is to her interest and out of her own will and choice. She thus enters into the domain of polygamy while she is well informed that the man has another wife. And if this marriage is to harm her she would not have accepted.

The plurality of wives takes place with the consent of the new wife. She becomes a legitimate wife but she alone has the right to make this choice it is a mercy from heaven that here is no compulsion for a woman to marry an already married man.

The choice in marriage, whether being the first wife or not, belongs to the woman in general. She may accept a marriage from which she anticipates tranquility and amiability or a marriage that she finds necessary and less harmful than other conditions. She may also refuse a marriage from which she expects worry and trouble.

Women themselves have to cancel polygamy or minimise it and they should refuse marring a married man whenever they can. If they cannot - and they never can - they must frankly state that polygamy is to the interest of all women as it was not allowed for the interest of some woman exclusively.

Polygamy then is to the interest of the woman. For not all women are the first wives. The legislation was laid down for all women: married and unmarried. If some were successful enough to have husbands what about others?! What have they done to remain unmarried while Islam has given them the right to marry and have a family and children like others?. Depriving them of this legal right may be considered a stark attack on their natural right to legitimate marriage.

Islam came not only to protect first wives but womankind in general.

Islam established polygamy on rules that protect a woman's integrity and preserve the legitimate rights of wives. At the same time it gave the woman, the right to go to court and seek protection or divorce, if she wishes, in case her husband marries

another one and was unfair by not fulfilling her legal right and she feels harmed by his second marriage. If her cause is just, she is entitled to her legal rights by a court verdict.

Concluding this topic, the writer would like to say that although the verse, ***"But if ye fear that ye shall not be able to deal justly (with them)"*** did not state the preference of one wife, yet it could be deduced that life originally started with one wife when Allah created Adam and made him take one wife only. Allah the Almighty could have created for him more than one especially when the beginning of life required multiplication. Because people are not all alike some are moderate ruled by their minds while others are controlled by their lust Islamic law, which came for all these souls, licensed polygamy to face such circumstances, even if moral justice is hard to attain.

It is thus clear that the legislation for polygamy is sufficient proof for the reality of Islamic legislation and indicates how far it is in harmony with human nature. It did not prohibit a matter which may be required by the individual or society. Allowing polygamy could be better than forbidding it in certain circumstances.

Islamic law has such flexibility and tolerance that satisfy the moderate and moderates the extravagant. Had it been strict with the extremely lustful person, he would have escaped the restrictions of religion and his lust would have led him to fall into an abyss.

Protecting honour and morality so cautiously is not stimulated by laws and doctrines nor is it unprecedented in societies keen on guarding money and souls because indifference to moral values, and the spread of homosexuality is not only against Islam, Christianity and heavenly religions but also against the simplest rules which preserve man's humanity . Instances of this are numerous: homosexuality and public prostitution which caused AIDS, a great jeopardy to humanity.

Perhaps the spread of this disease is the best tangible proof to the preference of polygamy to illegal relations (adultery).

Islam has made the sexual instinct sublime when it turned it from adultery to legal marriage and halted unruly lust by allowing polygamy. Hadn't it allowed polygamy, extremity of lust would cause animality to reign supreme over humanity. since polygamy to some is initiated by the need to gratify the sexual desire, that might not be satisfied with one wife, polygamy is allowed to protect oneself against adultery. It proves the wisdom of Islamic legislation as well as the greatness of its purpose. But due to the people's ignorance of the wisdom behind such legislation and its rules, we find some drawbacks in application .

The Muslim's abuse of the right to be polygamous does not offend the religion itself. For religion is taken from its legislations rather than from the practice of its people if. Misusing the right is exactly like misusing any legal or legislative rules. In such a case, the legislation or the law is not to be criticised but the blame goes to the person who misused the right granted him.

Islam laid down the bases that benefit individuals and communities in this respect. So if the people misused the allowed rights legislated for their benefit, they are to blame not the laws laid down for them. And this is not a defect in the law.

The best conclusion for this subject is what Muhammad Rashid Ridah said in this respect: [(116)] "Marital happiness and home life originally springs from having one wife which is the utmost human advancement of its kind and perfectness which people should learn and be convinced with. But something may happen to prevent some people from applying it. A necessity may lead a man to have more than one wife. For instance, a man may marry a barren woman and is obliged to marry another for the sake of offspring. Or a woman may reach an age of non-menstruation and yet the man sees that he is still able to have children from another or he sees that one woman is not enough to gratify him because he has a strong sexual desire while she has not. Or her monthly period lasts for long reaching 15 days per month. Polygamy may be to the interest of the society when women outnumber men as the case is in countries engaged in

ferocious wars that claim the lives of thousands of men. But because the reasons allowing polygamy are a necessity valued in itself and because men rush into this matter mostly to gratify their lust rather than for an interest and because the originally required perfection is monogamy, Islam has made polygamy a license rather than an obligation not recommended for itself and has restricted it by the provision mentioned and repeatedly confirmed in the verse, so consider it".

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CHAPTER FOUR

THE ROLE OF WOMEN IN SOCIETY



CHAPTER FOUR

THE ROLE OF WOMEN IN SOCIETY

If women are pursuing their rights, Islam has already given them a great deal of such rights, as previously mentioned Yet there remains "a thing greater than all legal rights women gained from the Quran, for the first time. The damnation of eternal sin and the shame of the depraved body have been lifted. Both Adam and Eve were tempted by Satan but were forgiven due to repentance and sorrow" [1].

The Quranic text corrected the concept of sin and alleviated the historical injustice attached to Eve as being the source of sin and evil. Based on this, was the principle of monasticism and celibacy. Women were rather avoided and looked down upon. In a divine address Allah the Almighty said: ***"O Adam! Dwell thou and thy wife in the Garden, and enjoy (its good things) as ye wish: but approach not this tree, or ye run into harm and transgression. Then began Satan to whisper suggestions to them.."*** (Surat: Al-A'raf, verses 19 and 20). He also said: ***"O Adam I Dwell thou and thy wife in the Garden; and eat of the beautiful things therein as (where and when) ye will, but approach (you and your wife) not this tree, or ye run into harm and transgression. Then did Satan make them slip from (the Garden) and get them out"*** (Surat: Al-Baqarah, verses 35 and 36). Both were commanded to avoid the tree "approach not this tree". Temptation by Satan was for them both "then did Satan make them slip'" and "began to whisper suggestion to them". Asking forgiveness was by them both. They said: ***"Our Lord! We have wronged our own souls, if Thou forgive us not and bestow not upon us the Mercy, we shall certainly be lost"*** (Surat: Al-A'raf, verse 23). The Quran affirms in the story of original creations the unity of biological and psychological creation and consequently the unity of responsibility and reward. No one, man

or woman, is higher than the other in status except by good deeds. In the Quran, the woman is no dependant element but is rather an independent entity whom Allah allowed to enjoy all lawful things allowed to man and to whom He made prohibited all evils prohibited to man as well.

Permitting Adam and Eve to eat from all trees except one, may perhaps symbolize the forbidden which is necessary on earth. For without forbidden things, there will be no will and a desiring man would not be different from a driven animal. With forbidden things, man's ability to fulfil (be patient with) covenants and abide by conditions can be tested.

The will is the criterion of man. The context of the story in paradise bears the meaning of testing for Adam and Eve. Allah's trial of Adam was "a test of his obedience. Allah mentioned Adam's disobedience after being granted dignity, honour and a luxurious life in paradise. The bliss of paradise and prosperous life was turned into the miserable life of the people of the earth, tilling and cultivating the land" [(2)], and alike activities to earn a living.

The Quranic text uses the dual form of address to clear any ambiguity about temptation and thus attachs it to both Adam and Eve. Had the Quranic text been for instance "Then Satan whispered to Adam and Eve or to Eve and Adam" the reader would have thought that the one mentioned before the other was tempted first. But by saying : *"Then began Satan to whisper suggestions to them"*, all possible ambiguity is cancelled and we have been thus informed that Adam and Eve are two genus of one kind. Their difference of sex does not cancel the law of mankind; for both are liable to doing wrong and committing sin.

The Quran has comprehensively corrected the erroneous outlook toward the role and status of women. The redress was not confined to the one issue of woman being the source of temptation in paradise. Rather "Correcting the outlook toward women status was just one of many sides within that comprehensive disciplinary system which redresses the outlook toward the life of the soul and that of the body, toward the

sources of good and evil, as well to the scales of dependence and reward. All such things rely on the living creature's-whether male or female-right to existence and living".[3] Islam has thus confirmed woman's equality to man in bearing obligations and the ensuing responsibilities, as Allah says: ***"Every soul will be (held) in pledge for its deeds"*** (Surat: Al-Muddaththir, verse 38).

It is worth mentioning that the principles of Islam do not hold someone responsible for the fault of another. Whether the fault was on the part of Eve or Adam non of the human beings is to be accountable for their fault. Allah the Almighty says: ***"That was a people that hath passed away. They shall reap the friut of what they didy and ye of what ye do!"*** (Surat: Al-Baqarah, verse 141) and ***"..every soul draws the meed of its acts on none but itself.."*** (Surat: Al-An'am, verse 164).

In addition to that, Allah has forgiven Adam in His saying: ***"Then learnt Adam from His Lord words of inspiration, and his Lord turned towards him; for He is Oft-Returning, Most Merciful"*** (Surat: Al-Baqarah, verse 37). and there jnany verses which confirm that Allah is Ever-Returning and Most Merciful, of which are:

"Say: O my Servants who have transgressed against their souls! Despair not of the Mercy of Allah: for Allah forgives all sins: for He is Oft-Forgiving, Most Merciful" (Surat: Al-Zumar, verse 53).

"But, without doubt, I am (also) he that forgives again and again, to those who repent, believe, and do right, who, in fine, are ready to receive true guidance." (Surat: Taha, verse 82),

"Unless he repents, believes and works righteous deeds, for Allah will change the evil of such persons into good, and Allah is Oft-Forgiving, Most Merciful" (Surat: Al-Furqan, verse 70).

"But those who do wrong but repent thereafter and (truly) believe, verily thy Lord is thereafter Oft-Forgiving, Most Merciful" (Surat: Al-A'raf, verse 153" and ***"If any one does evil or wrongs his own soul but afterwards seeks Allah's***

forgiveness, he will find Allah Oft-Forgiving, Most Mercifur " (Surat: Al-Nisaa, verse 110).

Moreover, there are people on earth whom Allah grant wealth and who live luxuriously as if in heaven on earth in order to be tested. Allah says: ***"And We test you by evil and by good by way of trial ..."*** (Surat: Al-Anbiyaa', verse 35). And yet some of them fall into the same pit of their fathers' by committing sins and disobeying Allah's commands. Allah warns them by saying: ***"O ye Children of Adam! Let not Satan seduce you, in the same manner as he got your parents out of the Garden, ...We made the Evil Ones friends (only) to those without Faith"*** (Surat: Al-A'raf, verse 27), Thus we find that the history of humanity repeats itself in various ways among humans.

There is a profound Quranic picture that reflects this outlook when Allah said: ***"He went into his garden in a state (of mind) unjust to his soul: he said, "I deem not that this will ever perish, "nor do I deem that the Hour (of Judgment) will (ever) come: even if I am brought back to my Lord, I shall surely find (there) something better in exchange." His companion said to him, in the course of the argument with him: "Dost thou deny Him Who created thee out of dust, then out of a sperm-drop, then fashioned thee into a man ?"*** (Surat: Al-Kahf, verses 35-37).

This dialogue indicates that there are people who live in heaven on earth and yet disbelieve in Allah and the hereafter. Allah the Almighty says: ***"Say: "Shall we tell you of those who lose most in respect of their deeds ? "Those whose efforts have been wasted in this life. While they thought that they were acquiring good by their works ?"*** (Surat: Al-Kahf, verses 103 and 104). There are also other people whom Allah described as: ***"They all revere their Lord, High above them, and they do all that they are commanded"*** (Surat: Al-Nahl, verse 50).

The Equality of Man and Woman in Human Society

Because the rule is that man and woman are equal human wise, no one has the right to boast about his/her masculinity or

femininity: all are created from a sperm-drop and formed-inside the womb, upon the command and will of Allah the Almighty. The stage in which the fetus is formed in the womb applies to all people males and females. This is a sign and lesson to those who discern. Allah the Almighty addressed each of them by saying: ***"Was he not a drop of sperm emitted (in lowly form) ? Then did he become a leech-like clot; then did (Allah) make and fashion (him) in due proportion. And of him He made two sexes, male and female"*** (Surat: Al-Qiyama, verse 37-39).

From the Islamic point of view, man and woman are alike in the human society. A man is not preferred for being a male and a woman is not inferior to him because of her femininity. Each is valued by Allah in the hereafter and in this world according to his/her success in the role assigned him/her, his honesty in fulfilling his/her pledge and how well each performs what is required of him/her.

Revealing how both are humanly equal, we should say that man being a successor on earth does not imply equality in the sense of similarity in appearance, conduct and work. Such similarity is not available even among men. The issue of carrying the trust on earth includes a role for the man and another for the woman.

The establishment of a sound society requires justice between men and women rather than equality between them, because their relation is not one that makes possible their equality in function as the case is regarding their human aspect. Their work and roles differ and yet justice is required. Each of them should carry out his/her duties and required jobs in return for his/her rights, in their capacity as members of the family or citizens in a society.

The law of justice and compatibility, rather than that of equality, stands between man and woman. This indicates that "compatibility is not synonymous to complete equality. Each of them has a right in return for the duty he/she carries out according to the nature of work" [4]

Equality is a virtue but it turns into a vice if its concept is misused to expand and extend to equality between the scholar and the ignorant, the hard-working and the lazy, the good and the bad. That is why Allah the Almighty said: ***"The blind and the seeing are not alike, nor are the depths of Darkness and the Light"*** (Surat: Fatir, verse 19 and 20).

Woman and the Process of Social Establishment

A woman plays a major and significant role in the process of social establishment, for the sake of making the human being, who is Allah's successor on earth, succeed in gaining the trust. Woman's efforts in the cultural advancement and national awakening is no less important or valuable than man's efforts. She may sometimes surpass him in such matters as education, care, and other activities of a humane nature which need emotions and sentiment more than anything else, such as the health and medical fields.

It is therefore illogical to call for equality in position. Integration is what is required. For according to Islamic legislation, the society is only complete with men and women together.

Islam legislated the right of "woman's participation along with man in forming the state's and society's structure with certain exceptions related to her sex qualities. Consequently, a woman has the same right of a man to various kinds of political and social activities. Among this is learning all sorts of sciences and arts so that the woman would be prepared to practice the competence she is granted and to supervise public affaires related to the society interests. She could be also involved in social, reformatory and national organizations, public efforts and invitations. She is also entitled to practise all allowed rights, activities and freedoms as well as enjoying Allah's pleasures and sustenance granted to His subjects. All this should be observed within the limits of economy, moderation and avoiding extravagance, exaggeration, shameful deeds, sin and transgression" (5).

Woman and Society promotion

Above all these rights, the woman has been assigned the task of dealing with the loftiest of all earthly creatures: human beings. This noble role is entrusted to the woman only who is to be preferred to man if she succeeds in it. It is the role of motherhood and care. The role is not confined to a female who gives birth and maintains the role of a mother to her children but extends to all women who foster children in a small institution like the family or beyond like health, social and educational institutions. She is a mother to those whom she fosters.

The function of the man in his work is less accurate than the woman's because any fault in the former's business of agriculture, industry, trade or any other job can be redressed. But the woman's educational fault is one where effect is not easy to erase.

However, in actual fact it is noticed that 'many people are unaware of the woman's status in building and reforming the society, so they isolated her from knowledge and prevented her from approaching its sources. This caused a confusion in the Muslim society, if we have a thorough look we will be convinced that as a woman is indispensable in a house, she is equally indispensable in a society. Women are not for their beauty and charm, they are for fulfilling certain requirements for which they are more fit than men such as raising children. For she replaces man in his absence while he is away in wars. She undertakes preparations, provides medical care and nursing; that is besides her education of the youngsters to make them ready to sacrifice and to observe virtue".(6)

Promoting a female and paying attention to her upbringing is the right way to improve the society because a woman is the maker of generations, instructor of youngsters and the main factor in spreading virtue and planting sublime values.

We thus reach the point of saying that the woman runs the major institution in the society: i.e. the home with its various responsibilities of education, cooperation and creating a happy

atmosphere among all members of the family. The woman may sometime be obliged to assume the role of a psychiatrist for one of the family members, young or old; because the psychological aspect is one of the most important roles in building contemporary man. All this makes a woman occupy a distinguished position in the process of making culture in her society.

She is the central link in the family which is in turn the cornerstone of society. Hence comes the distinguished role of woman in the society; for there is no advancement without her own progress, no promotion without her promotion, no awakening without her loftiness, no reform without her pursuance to spread virtue.

The former president of the Soviet Union, Gorbachev says: (7) "But midst our difficult everyday problems, we almost forgot the rights and distinct requirements of the woman which are associated with her role of mother and housewife. We almost forgot her unreplaceable job: a children educator. A woman working in construction, production, services, science and creativity has no sufficient time to take care of life's daily affairs such as running the house and raising children or even mere home relaxation. It has been revealed that many problems concerning the behaviour of young men and women as well as moral, social, educational and even productive issues are related to weak family ties and negligence of family obligations".

Gorbachov's words pay due restores to women through recognizing universal marital system which Islam was keen on. The woman is "the family balance"; if she is mean, her husband, family and children will despise her and would all be disbanded and lose contact with each other, knowing no system or order in their way of living and so their manners and customs will be corrupt. If the woman has a great deal of sense and manners, she would moderate the whole family who will respect her and themselves. They would all live in a perfect system under her banner of love, and become strong in their solidarity. Generally, the advancement of nations needs various factors the most

important of which is the progress of woman".[8]

With the expansion of the arts and requirements of living, we have to comprehend the accuracy of the task of household management. Running a house-which is a woman's task-has become an extensive art which needs a diversity of knowledge. The wife has to make a budget as economically as possible in order that there would be no deficit in the family budget. She has to make her house loveable to her husband, a place where he can find his comfort and joy when he returns to it so that he would enjoy his stay, his food, beverage and sleep and never flee away. Her foremost duties is to raise her children physically, mentally and morally. Obviously the implementation of such duties require a broad mind, diverse information, and a sound taste. All these especially things related to children upbringing, cannot be, found in an ignorant woman".[9]

The woman's influence in a family is not only confined to raising children but it is noticed that she has an impact on all men living with her. How often has a woman facilitated for her husband means of success in his work and how often has a woman shared her husband's, her brother's or her father's troubles. How often has a woman comforted her husband's heart and boosted his will in a state of despair. How often has a man yearned for glory and high ranks hoping to satisfy his wife and so has reached his goal. Qassim Amin says [10] "A woman of manners can, in addition to raising her children, do a great deal of things to the interest and for the happiness of men".

Man and Work from an Islamic Perspective

Islam has a basically different outlook to man compared to other religions and doctrines, whether heavenly or man-made. It did not care for the spiritual side of man only or the material side only. It drew a magnificent composite of man including all spiritual and material aspects. Man is made of a material side as Allah the Almighty said: ***"Man We did create from a quintessence (of clay)"*** (Surat: Al-Mu'minun, verse 12), and a

spiritual side, for Allah said: ***"When I have fashioned him (in due proportion) and breathed into him of My spirit.."*** (Surat: Al-Hijr, verse 29).

The Islamic outlook to man is a comprehensive one that embraces all aspects of man because he is Allah's successor on earth. The deeds dictated by succession for the sake of populating the earth are the core of worship: ***"I have only created Jinns and men, that they may serve Me".*** (Surat: Al-Zariyat, verse 56). There are more than 70 verses in which Allah made good deeds rank next to faith such as: ***"As to those who believe and work righteousness, verily We shall not suffer to perish the reward of any who do a (single) righteous deed"*** (Surat: Al-Kahf, verse 30), ***"But give glad tidings to those who believe and work righteousness, that their portion is Gardens, beneath which rivers flow"*** (Surat: Al-Baqarah, verse 25) and ***"But those who have faith and work righteousness. They are Companions of the Garden: therein shall they abide (for ever)"*** (Surat: AL-Baqarah, verse 82).

Allah has thus associated man's scientific power to his practical one because science leads man to know and believe in Allah. Practical power here means good deeds; hence Islam's outlook to work as worship. It considers the worker in his job as if he were in a mosque prostrating to Allah. Islam thus rewards him twice: an immediate one in this world and another in the hereafter.

Islam has therefore made work the best thing that makes one closest to Allah. Allah the Almighty said: ***"...and that He may give Glad Tidings to the Believers who work righteous deeds, that they shall have a goodly Reward"*** (Surat: Al-Kahf, verse 2). Islam considers work positively and calls, upon man to work hard and perfect his job. The Prophet (P.B.U.H) said: *"Allah likes that when one of you carries out a job, it should be done perfectly".* Islam considered work a trust and a responsibility. Allah the Almighty says: ***"... but ye shall certainly be called to account for all your actions".*** (Surat: Al-Nahl, verse 93).

Because work is obligatory to every individual rather than being a collective duty, a well-off person who finds work dispensable commits a sin because he does not fulfil the wisdom behind his creation. For Allah ***says: "He Who created Death and Life, that He may try which of you is best in deed.."*** (Surat: Al-Mulk, verse 2).

The Quran classifies man's work into good and bad and urges man to do good deeds which are the criteria of preference among workers as Allah says: ***"That which is on earth We have made but as a glittering show for the earth in order that We may test them (mankind) as to which of them are best in conduct"*** (Surat: Al-Kahf, verse 7).

Work then is an obligatory honour the reason why Islam recommends it sometimes by persuasion as in Allah' saying: ***"To all are degrees (or ranks) according to their deeds.."*** (Surat: Al-An'am, verse 132) and ***"Now no person knows what delights of the eye are kept hidden (in reserve) for them - as a reward for their (good) Deeds"*** (Surat: Al-Sajda, verse 17) and other times by intimidation such as: ***"And if any do evil, their faces will be thrown headlong into the Fire: "Do ye receive a reward other than that which ye have earned by your deeds ?"*** (Surat: Al-Naml, verse 90), and some other times by warning against laziness , unemployment and begging as in the saying: ***"That man can have nothing but what he strives for; That (the fruit of) his striving will soon come in sight; Then will he be rewarded with a reward complete"*** (Surat: Al-Najm. verses 39-41). Allah has repeatedly said: ***"Allah sees well all that you do"*** , ***"Allah is well-acquainted with all that you do"*** and ***"Verily Allah is overseer of all your deeds"***. And Finally, work is recommended by a psychological style such as in the Prophet's saying: *"The upper hand is far much better than the lower hand* (the hand that gives is better than the hand that takes) (11).

Imam Al-Razi says (12) in his commentary on verse 105 of Surat Al-Tauba, i.e. ***"And say: "Work (righteousness): soon will Allah observe your work, and His Apostle, and the Believers: soon will***

ye be brought back to the Knower of what is hidden and what is open: Then will He show you the truth of all that ye did". Man's work is not only considered in the Hereafter but in the life also because associating observation and evaluation with Allah, the Prophet (P.B.U.H) and the believers is an indication of worldly evaluation".

Work then is not only a creed but a life as well. Islam is therefore an open invitation to work for the sake of material production geared towards human progress. Islam drew the attention of those who tried to be extravagant in their worship in prayers, rituals and asceticism away from all this to the moderate course which is the best away from exaggeration and negligence as Allah the Almighty says: ***"What cause can we have not to believe in Allah and the truth which has come to us, seeing that we long for our Lord to admit us to the company of the righteous ?"*** (Surat: Al-Maida, verse 87) and ***"It is He Who has made the earth manageable for you, so traverse ye through its tracts and enjoy of the Sustenance which He furnishes.."*** (Surat: Al-Mulk verse 15).

The land does not give its yield except to the diligent worker who directs his talents, thought and knowledge to promote this life and realize cultural advancement. The Quranic verses reflect the idea that work is not only a creed such as in: ***"And when the Prayer is finished, then may ye disperse through the land, and seek of the Bounty of Allah: and celebrate the Praises of Allah often (and without stint): that ye may prosper"*** (Surat: Al-Jamu'a, verse 10). Allah has also allowed pilgrims to trade while being in the state of ihram and has made pilgrimage an opportunity for lawful profits. The Almighty said: ***"It is no crime in you if ye seek of the bounty of your Lord (during pilgrimage) ..."*** (Surat: Al-Baqarah, verse 198). Some have interpreted ***"If ye seek the bounty "*** as profit and trade.(13) Allah also says: ***"they may withe benefits (provided) for them (during pilgrimage) ..."***(Surat: Al-Hajj, verse 28).

It is also reported that the Prophet (P.B.U.H), when hearing

about a worshipper who spends all his time at the mosque [14] said *"who is attending to his needs ? It was said "His brother The Prophet (P.B.U.H) said: "His brother is better than him ".*

Due to the importance of work and its value in Islam, it was indicated that the life of Prophets and Messengers were full of work and struggle not only as regards their missions and thought but also regarding worldly affairs. Allah says: ***"And the Apostles whom We sent before thee were all (men) who ate food and walked through the streets"*** (Surat: Al-Furqan, verse 20).

The Concept of Freedom in Islam

Man's dignity is related to his freedom of thought and expression For such reason Islam guaranteed the individual freedom of expression and of worship in all aspects of his life.

Freedom of Expression:

Islam made the expression of one's opinion a duty and one of the rights of the individual. The verses that denote this concept are numerous such as ***"Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong"*** (Surat: Al-Imran, verse 104). The Sunna also stresses this meaning. The Prophet (P.B.U.H) says: [15] *'Whoever sees a wrong thing, must change it by his hand, if he cannot, then with his tongue, (by word) if he cannot he must deny it in his heart and that is the weakest faith (the least he can do) ".* He also says: [16] *"Let no one of you be a characterless person who says I am with the people: if they do good, I do likewise and if they do wrong, I do the same. But you must accustom yourself to do good if they do good and to avoid wrong-doing if they do wrong ".*

This call to goodness was not left undefined. Allah instructed that such goodness be done with the best possible manner. Allah says: ***"Say to My servants that they should (only) say those things that are best"*** (Surat: Al-Isra', verse 53) and ***"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious.."*** (Surat: Al-Nahl, verse 125).

Freedom of Thought:

The kind of freedom which avoids harming others, has been taken to the highest degrees when Islam called for using the mind and thought in such a limitless and unrestricted way. Islam has even urged man to use his mind and liberate his thought in whatever catches his eyes or strikes his ears to get to know the creator and to be able to distinguish between right and wrong. Allah the Almighty says: ***" Do they not look at the Camels, how they are made ? And at the Sky, how it is raised high ? And at the Mountains, how they are fixed firm ? And at the Earth, how it is spread out ?"*** (Surat: Al-Ghashiya, 17-20). He ***also says: "Behold! In the creation of the heavens and the earth, and the alternation of Night and Day, there are indeed Signs for men of understanding. Men who celebrate the praises of Allah, standing, sitting, and lying down on their sides, and contemplate the (wonders of) creation in the heavens and the earth"*** (Surat: Al-Imran, verses 190 and 191). These texts and many more, denote Islam's keenness on freedom of thought and are at the same time an invitation to awaken and stimulate the mind so that it would carry out its job as well as an invitation to employ thought in all cosmic phenomena.

This freedom is not confined to men as Islam does not regard a woman as a creature led by man's thought and opinion. She has her own point of view which has its value and weight. Surat: Al-Mujaadilah (the Woman who argues) [*] is the best proof of Islam's respect of woman's opinion.

Freedom of Faith:

Islam left it to the individual to choose his faith and at the same time urged him to establish his option on free thinking away from myths and transcendental matters in which the right and wrong are confused. Islam objected to those who inherit their beliefs without thought or contemplation. Allah the Almighty

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* This is Surat No. 58 revealed in Madina.

says: ***"They have hearts wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are like cattle- nay more misguided: for they are heedless (of warning)" (Surat:*** Al-A'araf, verse 179). and ***"Say: Behold all that is in the heavens and on earth ..."*** (Surat: Younis, verse 101). Freedom of faith is expressed in many verses which are and: ***"Say: The Truth is from your Lord"; Let him who will, believe, and let him who will, reject (it)"*** (Surat: Al-Kahf, verse 29), ***"If it had been thy Lord's Will, they would all have believed, - all who are on earth! Wilt than then compel mankind, against their will, to believe!"*** (Surat: Younis, verse 99) and ***"The Apostle's duty is but to proclaim (the Message).."*** (Sarat Al-Maida, verse 102).

That is why Islam ordered Muslims to provide protection for a non-Muslim even if he is a non-believer in His saying: ***"If one amongst the Pagans ask thee for asylum, grant it to him, so that he may hear the word of Allah; and then escort him to where he can be secure..."*** (Surat: Al-Tauba, verse 6). Allah the Almighty has also allowed us to eat meat slaughtered by people of the Book in His saying: ***"This day are (all) things Good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them"*** (Surat: Al-Maida, verse 4). He ordered us to keep promises if they belong to non-believers such as: ***"(But the treaties are) not dissolved with those Pagans with whom ye have entered into alliance and who have not subsequently failed you in aught, nor aided anyone against you. So fulfil your engagements with them to the end of their term."*** (Surat: Al-Tauba, verse 4).

Protecting Human Interests

Among the features of honouring man is that Islamic law came to protect human interest and considered any assault on them, a crime that necessitates punishment. That is because the world where man lives is based on interests and the meaning of a dignified human life cannot be fulfilled unless such interests are protected.

It is noteworthy that the interests which Islam protects by imposing penalty on violators fall into five categories:

1- ***Preserving Faith*** : Freedom of faith should be guaranteed for all-males or females-as indicated: ***"There be no compulsion in religion"*** (Surat: AL-Baqara, verse 256).

2- ***Preserving Oneself:*** For Allah the Almighty says: ***"Nor kill (or destroy) yourselves".*** (Surat: AL-Nisaa. verse 29).

3- ***Preserving the Mind*** : Islam prohibits all that intoxicates the mind and weakens its soundness such as alcohol: ***"O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination, of Satan's handiwork, eschew such (abomination), that ye may prosper"*** (Surat: Al-Maida, verse 93).

4- ***Preserving Posterity*** : Islam imposed severe punishment on illegitimate relations: ***"The woman and the man guilty of adultery or fornication flog each of them with a hundred stripes: let not compassion move you in their case, in a matter prescribed by Allah"*** (Surat: Al-Noor, verse 2).

5- ***Preserving Wealth*** : Islam forbade embezzlement and theft whether public or private money as Allah says: ***"O ye who believe! Eat not up your property among yourselves in vanities: but let there be amongst you traffic and trade by mutual goodwill..."*** (Surat: Al-Nisaa, verse 29).

Islam Guarantees Woman's Safety in the Community:

Woman's status in Islamic law is part of a comprehensive philosophy broader than mere rights and duties. The core of this philosophy is based on the concept of security, as each individual in the society is guaranteed elements of stability and tranquility making him a vital part of the society. There are preventive as well as punitive measures for those who defame woman. Allah the Almighty says: ***"And those who launch a charge against chaste women, and produce not four witnesses, (to support their allegations), flog them with eighty stripes; and reject their***

evidence ever after..." (Surat: Al-Nour, verse 4). And ***"Those who slander chaste women, in but believing, are cursed in this life and in the Here..."*** (Surat: Nour, verse 23). Thus Islam protects a woman from whatever stains her reputation.

The Definition of work:

Work is but a mental or physical effort exerted by man to achieve a benefit or keep it. Work may combine both mental and physical efforts.(17)

Woman and work

Islam made man and woman equal in duties as previously revealed. Among these is the right of work. Since women mostly represent half of the society, they have to fulfil their obligation towards the population and construction of the earth. It is her duty as it is man's. This right is proved in a separate sentence: ***"... To men is allotted what they earn, and to women what they earn..."*** (Surat. Al-Nisaa, verse 32). Allah the Almighty did not say: " To men and women is allotted a share in what they earn". He also said: ***"Never will I suffer to be lost the work of any of you, be he male or female: ye are members, one of another"*** *(* Surat: Al-Imran, verse 195). Earning has thus been legislated for women as it has been for men. Each has been guided to seek virtue by work. All are then commanded by Allah to work whether the work is a material gain (for this world) or an immaterial one (for the hereafter). For among the prayers of the subjects of the Most Gracious is: **"Our** ***Lord! Give us good in this world and good in the Hereafter"*** (Surat: Al-Baqarah, verse 201).

Islam granted woman her due position as a human being who has her value in human society which is shared by man and woman. A society cannot be in order unless with the participation of man and woman in many of its aspects, foundations and factors.

Omar Bin Al-Khattab said: (18) By Allah, in pre-Islamic days we never gave heed to women until Allah revealed what he

revealed about them and assigned to them what He assigned to them".

Woman's work is not only meant to be a governmental public or private sector post but is meant to be a productive task any where. The first of these places is her small kingdom where she practices her natural job as a mother, wife and housewife that is if she is a wife or mother.

Raising children needs cultural and mental abilities more than any other Job. For child care is not confined to making available food, drink and clothing. It is far more, as it extends to cover psychological aspects. It is taken for granted that a man cannot assume this role, because the woman is distinguished by motherhood qualities which grow with her cognition and so the mother's practice of her natural function satisfies her instinct. Allah the Almighty restored Moses to his mother so that she would be comforted and grieve no more. In this respect Allah says: ***"Thus did We restore him to his mother that her eye might be comforted, that she might not grieve, and that she might know that the promise of Allah is true.."*** (Surat: Al-Qasas, verse 13).

The Messenger of Allah praised women who well-nurtured their children, he said [19] *'The best women who rode the camels .. are the women of Quraish who are the kindest to their children of young age".*

It is narrated by Abu Hurairah [20] that David, The Messenger of Allah said: *'There were two women accompanied by their fwo sons when a wolf came and took away the son of one of them, The one whose son was taken said to her companion, it took away your son. The other one said 'No he took your son ". Both women then sought the judgement of David who ruled that the boy should be given to the elder woman. So they went to Soliman, David's son, and told him the story. He said "Give me a knife so that I would divide him between you both ". The younger lady said "May Allah have mercy upon you don't. He is her child". So Soliman gave the child to the younger lady ".*

Motherhood is an inseparable instinct of Eve whether she is a working woman or a house-wife. No matter how high in authority a woman reaches, she puts her motherhood in the first place. And her work, how important it might be cannot deprive her of this noble feeling.

Caring for the household and children, being the major task of a woman, does not negate the fact that there are other tasks which differ according to the family circumstances and needs. Yet this task always comes first in priority especially when tasks contradict each other.

Some women are gifted with a certain nature talents and human energy that entitle her to promote and enrich political and social activities. The society should not be deprived of such types of women who could serve their homes and society equally. Yet there are other kinds of women who when they divide their attention between their homes and the society., they neither serve their homes nor society properly. There is another kind of women who rarely leave their houses; yet they spend most of their time talking to neighbors, cooking, washing and cleaning, allocating only a little of their time for the children even in the most critical stages of their lives.

When a woman leaves her work it does not necessarily mean that she would devote her time for raising the children, it depends on how much time a woman gives her children, whether she is working or not and mostly on her awareness, culture and personal capabilities.

Because Islam is a realistic religion, it did not miss the fact that there might be circumstances that oblige the woman to work and that there are many women who are not married nor have children. Being occupied with their work might be best for the purity of their hearts. Islam has thus allowed women to take up jobs and lawful activities which do not contradict their nature.

Ibn Hazm said: "Islam did not prevent woman from occupying any position except that of caliph" (i.e. ruler of the

country) because the head of state in Islam is the one who announces war, leads the army, delivers the Friday speech in the mosque and leads mass prayers. This is an indication of the perfectness of Islamic law since it took into consideration the physical and psychological aspect of woman (*), in certain rights (such as imamate and army leadership).

(The case is identical as regards the position of Pope in Christianity, as he should be a man). According to Dr. Mustafa Al-Siba'i:[21] "And because leadership in general is not forbidden for a woman upon the scholars' consensus, they all agree that a woman can be guardian of children and of the incompetent and be given proxy by a group of people to handle their money and run their farms and to be a witness-testimony is a sort of leadership-as stated by jurists".

Islam's Leniency Towards Women:

Islam showed leniency towards women when it made their physical work, whether at home or outside, a voluntary act on their part. There are certain guarantees to this effect including being supported by her husband. Islam has not obliged her even to serve her husband and children; she is given the right to have a maid, and her husband has to pay the expenses of the maid, as it is part of the wife's maintenance, according to a consensus by ulamas.

M. Al-Tirazi Al-Husseini says: [22] "Islam does not oblige a wife to attend to such services according to the texts of the three sects (Hanafi, Shafie and Hanbali) even if the husband was poor. The husband has no right to force his wife to serve him. But she can do it voluntarily and willingly especially if the husband is poor and cannot offered the wage of the maid".

Omar Al-Telmisany says: [23] "A Muslim woman is not legally

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* We may realize that it is out of Allah's mercy of women that all his Messengers were men. For history has registered the suffering and oppression to which they were exposed and the difficulties encountered for the sake of propagating their messages.

obliged to serve her husband. So if she does, it is out of complaisance rather than compulsion. This is possible by means of the ulamas' consensus. Al-Telmisani says addressing the reader 'I offer you the proof of the woman's non commitment to serve her husband; refer to Sahih Muslim volume 5, P. 627 Darul Shaab edition, you will find a clear proof there. I do not think that you doubt Sahih Muslim which is acknowledged by all ulamas as one of the two genuine books of Sunna. This is your right Muslim lady granted by your religion ... you have a high position in Islam".

Sheikh Muhammad Ghazali says: (24) " The majority of jurists are of opinion that a woman is not obliged to serve her man but it is not a question of what the law stipulates, it is here a matter of the requirement of partnership interests of husband and wife. The matter is governed by ultruism not selfishness".

Imam Nawawi says: (25) "This is out of favour and chivalry agreed upon by the people. i.e. the woman serves her husband out of these mentioned qualities ... baking, cooking, washing and alike matters are all done voluntarily, out of kindness and as a favour to her husband. She does not have to do any of these. Even if she abstains from doing all this, she is not sinful".

Sheikh Sayed Sabiq says: (26) "Malek, Abu Hanifa and Shafie are of opinion that a woman is not obliged to serve her husband. They said that the marriage contract provides for enjoyment not employment and utilization. The mentioned hadeeths indicate volunteering and high morality".

The wisdom behind Islam's making a woman's physical work in her home a voluntary rather than an obligatory act, is that she would not waste her time and effort in things that could be done by someone else (such as cooking, washing, and sweeping). She would then find sufficient time and rest that enable her to raise her children properly with respect to their psychology, health and mentality, and listen to their problems in various stages of their lives. In addition, there would be ample time for herself to perform her religious duties, worship Allah as she should, and

educate herself since she is the first instructor of her children. (Though the writer is not inclined to quote poetry, it is out of faithfulness to the poet Hafez Ibrahim to register his viewpoint about the woman when he said: "The mother is a school; if you prepare her well, you would prepare a well-established society".

M. Al-Tirazi Al-Husseni [27] (A Senior Turkiistani Scholar) commented saying: "To sum up this subject, Islam has not obliged a woman to serve at her home or her husband. But all was left to the freedom and choice of the wife. She is not compelled and neither is she to blame by her husband or anybody else if she rejects to do so. But she is rewarded by Allah and praised by the society if she volunteers. This is to preserve her dignity and in appreciation of her freedom and for her care".

Her Work Outside Home:

Islam guaranteed woman financial rights in her capacity as mother, wife and daughter to protect her from working outside her house in case this would fatigue her.

Gorbachev says: [28] "The other problem we have is woman's practice of exhausting work which negatively reflects on her physical condition. This problem is a result of the war and its consequence of the decrease of the number of men and in turn the decrease of manpower in all production sectors and fields, a problem we are seriously facing today".

The study conducted by Dr. Rose Fresh (Professor of public hygiene, Harvard University) [29] at a Canadian University proved that "Women who practice hard works suffer from infertility troubles". Allah the Almighty says: ***"Then We said: "O Adam! verily, this is an enemy to thee and thy wife: so let him not get you both out of the Garden, so that thou art landed in misery"*** (Surat: Taha, verse 117). Al-Zamakhshari says in his commentary entitled Al-Kashaf, ***"Thou art landed in misery"*** means that Adam alone is to face the difficult tasks on earth. This is indicated from the use of a singular form of address to Adam after using a

dual form for him and Eve.

Thus we see how Islam spared woman the toil of life and its exhausting physical activities. Al-Aqqad says: [30] "Yet we can unhesitantly understand that the ideal society is not that in which a woman is obliged to work to make a living for herself and her children. It is not the society in which her motherhood is neglected and she lives for herself, her requirements and desires ... It is not the society in which the offspring is brought up without motherhood...

The position of woman where the Quran placed her, secured for her all that assists her in realizing her instinctive (natural) message in this ideal society in the most proper way".

The Public Responsibility of Woman:

Sheikh Mahmoud Shaltoot says: "If woman is particularly responsible for things relevant to her worship, herself and family, she has a public responsibility in the view of Islam with regard to calling for the good, enjoining the right, instructing people to virtues and warning them against vices. The Quran stated her responsibility in this respect and associated her responsibility with man's as it associated man and woman in the responsibility of perversion.

Sheikh Shaltoot says: [31] "The responsibility of enjoining the right and forbidding the wrong is the biggest responsibility in the point of view of Islam. Man and woman are equal in this responsibility as plainly stated in the verses of the Quran So it is non-Islamic that a woman stops from enjoining the right and forbidding the wrong under the illusion that this is the business of men only. It is also un-Islamic like to throw her share of this responsibility on man under the pretext that he alone is more capable of it or that she has a nature that does not allow her to carry out this duty. The man has his circles and so has the woman. And life cannot be in order without the collaboration of both sexes to promote their nation. If one or both parties fail to fulfil his/ their

obligations, serious life would deviate from its straight course".

The Role of Women in Society at the Lifetime of the Prophet

Women's (*) oath of allegiance upon the command of Allah,

mentioned in the Quran came not only to crown women rights in Islam but to prove their political right in particular. The oath of allegiance to the Prophet (P.B.U.H) is the base on which the political situation was founded. The Muslims were trained to choose the head of state according to the new base on which Islam established a new society.

The woman's oath of allegiance to the prophet was based on two facts: the first is that he was a messenger from Allah and the second is the prophet's capacity as the Imam of Muslims. The second factor is confirmed by Allah's saying: ***"And that they will not disobey thee in any just matter"*** and the Prophet's saying regarding obedience to the Amir *"obedience is required only in just matters "*.[32]

Islam is therefore the first regime to acknowledge woman's political rights especially with respect to choosing the head of state. It has practically taken into effect genuine principles that redressed conditions of woman's private and public life alike.

The high status of women became practically clear following Hudaibiah Treaty as her position became part and parcel of the dignity of the Muslim society. The treaty included the following "provided that if any of us (people of Qoraish) comes to you (the Prophet (P.B.U.H), even if he or she follows your faith (i.e., Islam), you must return him/her to us". When the Messenger of Allah (P.B.U.H) accompanied by the Muslims were about to leave Hudaibiah after the treaty, some women asked to emigrate with them and to embrace Islam. People of

* It is noteworthy that some women attended the 2nd Aqaba oath of allegiance with men. Al-Hafez Bin Hajar mentioned that Kaab Bin Malek said "We assembled at Al-Aqaba. We were 73 men and 2 women : Umu Emara Bint Kaab and Asma' Bint Ady" ***FathulBari, Vol.8, P.220.***

Qoraish came to ask for these women in fulfillment of the treaty provision. Here, a verse which determines the loftiness of women and their high status compared to their unbelieving husbands, was revealed. The verse decided that the women were not to be returned after testing them to inquire about the reason for their emigration. That is to make sure that they are not escaping a detested marriage, seeking a certain benefit or pursuing a love in Madina but emigrating out of their love to Allah and his Messenger. Allah the Almighty said: ***"O ye who believe! When there come to you believing women refugees, examine (and test) them; Allah knows best as to their Faith: if ye ascertain that they are believers, then send them not back to the unbelievers. They are not lawful (wives) for the unbelievers, nor are the (unbelievers) lawful (husbands) for them"*** (Surat: Al-Mumtahanah, verse 10).

Women's political rights started to grow with the development of the Islamic state. With the conquest of Mecca and the downfall of the centre of paganism in Arabia, all deterioration factors that surrounded women collapsed as well. She was thus set loose from all restrictions, especially political ones that shackled her. The Quran addressed both man and woman with respect to organizational legislations and made them shoulder the responsibility of calling for the supremacy of these legislations as well as abiding by and practicing them in their lives.

The Quran stresses in these legislations the new status of women in Islam particularly her political role in public life and the fact that she has been exposed to the same harm and oppression that man has, for the sake of the call to Islam. She has moreover participated in the holy wars (jihad) and took part in all fields including education, social life and enjoining the good and forbidding the wrong..

A - Her Role in Politics

Embracing Islam despite the rejection of the family and ruling authority, and the ensuing interest in following up news of the

new religion, torture and emigration are all features that are considered political activities in contemporary terms. Allah the Almighty says: ***"The vanguard (of Islam) - the first of those who forsook (their homes) and of those who gave them aid, and (also) those who follow them in (all) 'good deeds, well - pleased is Allah with them, as are they with Him: for them Hath He prepared Gardens under which rivers flow, to dwell therein for ever: that is the supreme Felicity"*** (Surat: Al-Tauba, verse 100)

A strong deep-rooted belief was behind the Muslim woman's practice of all these activities, which urge her to join man in supporting the new religion.

Woman is subjected to harm for the sake of her faith:

On the authority of Othman Bin Affan Said,[33] *"while I was walking with the Prophet (P.B. U.H), we saw Ammar, his father and mother being tortured in the sun to go back on Islam. Abu Ammar said: "O Messenger of Allah! Is ii going to be always like this? The Messenger of Allah said: "The Yassers' be patient"*. The ignorant leaders of pre-Islam came to enjoy themselves by witnessing their torture. Among them was Abu Jahl who, being teased by Umu Ammar's persistence and endurance, stabbed her with his spear bellow her stomach and ripped open her womb and she died instantly. She was the first woman martyred in Islam. This is the biggest proof to woman's exposure to difficulties and hardship; as indicated by Allah the Almighty: ***"And those who annoy Believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin"*** (Surat: Al-Ahzab, verse 58). Said Bin Zaid reported that [34] "By Allah, Omar had tied me and his sister, before he accepted Islam, to force us to go back on Islam".

Asma' (daughter of Abu Bakr Assidiq) used to mount the rough mountain, while being pregnant, to reach the cave where the Messenger of Allah and Abu Bakr stayed for three days. She used to carry food for them and no one of the enemy saw her. The secret about the Prophet's emigration was known by Asma'. She

knew the place of the cave and went there and at the same time she cooperated with her brother Abdullah who conveyed news of Mecca to the cave in a daily report. Amer Bin Fuhairah was assigned to pass with his sheep to wipe away the footprints of Asma' and Abdullah. The matter was not merely that of bringing food, it was that of cooperation and timing between three people: a young lady, a young man and a shepherd.

A Woman Accepts the New Faith Before Her Husband:

It is reported by Abudllah Ibn Abbas [35] who said "Me and my mother were among the weak (oppressed). I was among the young men and she was among the women". Allah the Almighty says: ***"And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed) ? Men, women, and children whose cry is: "Our Lord! Rescue us from this town, whose people are oppressors..."*** (Suart: Al-Nisaa, verse 75).

Al-Bukhari added "Ibn Abbas and his mother were among the oppressed. He was not like his father accepting the religion of his people. Al Zubair Bin Al-Munir said [36] The verse does not indicate weakness for women, it rather indicates equality".

A Woman Accepts Islam Before Her Masters:

It is reported through Ammar Bin Yasser [37] that he said "I saw the Messenger of Allah, accompanied by five slaves, two women and Abu Bakr". That means that a woman slave, despite her extremely modest social status, accepted Islam before her masters against their will and such an act raised her morale. Among these female slaves [38] were: Hamama, Umu Ubais, Zaneerah. Al-Nahdia and her daughter and the slave of Bani Ady whom Omar used to torture before he embraced Islam.

A Woman Interested in the Political Future of the Caliphate:

It is reported by Qais Bin Abi Hazm [39] who said "Abu Bakr went to a woman who said: For how long will we enjoy this good

thing (Islam) which Allah brought after a period of Ignorance ?" He said: "you will enjoy it as long as your imams (heads of states) keep on abiding by it".

A Woman Offers Advice to Her Brother on the Day of Arbitration between Ali and Muawiah:

It is narrated by Ibn Omar [40] "I went to Hafsa and said: the situation is as you see (the fighting between Ali and Muawiah) and no one has given me authority. Hafsa said: Go to them, they are waiting for you. I fear that your absence might cause them to divide among themselves". She kept persuading him until he went out to the people.

A Woman Faces the Tyranny of a Ruler:

It is reported by Abi Nawfal who said: [41] "Al-Hajaj went to Asma' Bint Abi Bakr (after he Killed her son and disfigured his body he sent her several times but she refused to go to him) and said; "How about what I did to Allah's enemy?" she said "you have spoilt his worldly life but he has spoilt your hereafter ... Allah's Messenger told us that there are a lair and a destroyer (Killer) in Thaqeef (Hajaj's tribe). As for the liar we have seen him (she means Mussailama, the lair who claimed to be a Prophet) and as for the destroyer, (referring to his killing many people) I believe it is you". Ibn Nawfal said that Al-Hajaj went away without replying to her.

Thus a Muslim woman opposed an oppressor who was at his prime. She rebuked him with words sharper than the whip.

B-Her Role in Jihad

Islam being a realistic religion, opens the door before any necessity that dictates itself in woman's work. For instance, the question of Jihad is not ordained by Allah for a woman and neither has He forbidden it for her. Although fighting is not a duty for women, except in general mobilization, yet women apparently used to be present with the Prophet (P.B.U.H) in battles. They

accompanied Muslim armies in battlefields, aided the wounded, gave water to the thirsty, prepared food, buried the dead and conveyed the wounded behind the fighting lines. The Messenger of Allah (P.B.U.H.) used to give women their share of the booty in return for their activities in the battlefield, as Ibn Abbas stated in his answer to one of the (kharijites) who asked him about this issue. He said: [(42)] "Do you ask me whether the Messenger (P.B.U.H.) used to fight accompanied by women ? He used to fight in the company of women who nursed the sick and received their share of the booty".

- It is quoted from Al-Tabaqat Al-Kobra by Ibn Saad [(*)] "The number of women taking part in the Battle of Khaibar reached 15 among whom were Umu Sanan Al-Aslamiya. She said "When the Messenger of Allah (P.B.U.H) intended to set out to Khaibar, I came to him and said "Messenger of Allah, I want to set out with you. We shall nurse the wounded and guard the tents and the luggage. The Prophet (P.B.U.H) said: "Set out blessed by Allah. Your women companions have spoken to me and I gave them permission. They are from among your people and others. If you wish go with your people or with us. I said "with you". The Prophet (P.B.U.H) said: "Then be with my wife Umu Salama. She said: "I went with her".

- Umayyah Bint Qais Al-Ghafariah recorded a heroic action in Khaibar battle which was praised by the Prophet (P.B.U.H.). Following the battle he granted her a decoration very similar to that of nowadays. During her lifetime she kept ornamenting herself with the decoration. According to her will, the decoration was buried with her.[(43)]

- Asma' Bint Yazid, one the women who gave an oath of allegiance in Aqaba, killed nine Romans with the post of her tent

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* They are : Umu Sanan, Umu Aiman, Salam the slave girl of the Prophet (P.B.U.H), Umu Mutawi Al-Aslamia , Omiah Bint Qais Al-Ghaffaria, Umu Amer Al-Ashhaliah , Umu Al-Dahak Bint Masoud Al-Harithiah, Hend Bint Amr Bin Harah , Umu Manie Bint Amr, Umu Emara Nasiba Bnt Kaab , Umu Solait Al-Bukharia; Umu Solaim , Umu Attia Al-Ansariah, Umu Al-Alaa Al-Ansariah in addition to Umu Salama. the Prophet's wife.

in Yarmuk Battle.[44]

- Umu Mousa Ai-Lakmaih, who attended Yarmuk Battle said: "While we were in the company of a group of women, the men attacked the enemy. I saw a foreigner (Byzatine) dragging a Muslim. I took the tent's post and came near him, split his head and took his belongings. The man whom I saved helped me .[46]

- Nassiba Bint Kaab knew about the murder of her son by Mussailama the liar, so she vowed not to bath until she takes revenge. She set out on the day of Yamama (one of the battles against the converts) and took part in the fight. She received 12 wounds and her hand was cut off. She returned after she had fulfilled her vow. [46]

- Umu Hakim Bint Al-Hareth witnessed the battle of Marg Al-Saqr between the Muslims and Byzatine while she was a bride. Her husband died before her eyes. Instead of crying and wailing, she tightened her dress, pulled out a post from the tent that witnessed her wedding and killed seven enemy soldiers with it at the bridge which is till now known by the name of Umu Hakim bridge.

Thus at the time of Jihad, Muslim women were not confined to their homes and locked their doors behind them, while men shouldered the burden of wars. They took part in all aspects of Jihad and were so much courageous and steadfast in fighting, no less than men. They endured all sorts of suffering. When the Messenger of Allah prayed for Umu Haram, who asked to take part in a sea expedition, saying "you are one of the foremost", this proved that women in the lifetime of the Prophet were honoured. They were appreciated and became of a high status. They worked in all fields that suited them, so that the society would benefit from the efforts of its members. And thus any honest effort is not barred under the pretext of sex difference.

C- <u>Her Role in Work</u>

Islam was distinguished by its dissatisfaction with indifference and dislike of lazy people whether men or women. It

urges Muslims to work for a living. The Messenger (P.B.U.H) says: (47) *"It is better for the one of you to take his rope and bring a bundle of sticks (wood) on his back and sell it than to beg the people whether they give him or not".*

Women worked as shepherdess, in cultivation, handicrafts, nursing and even in trade. Such work helped her to achieve two things: provide a decent life for her and her family when her supporter dies, becomes ill or turns poor and acquire more virtues and high position if she gives away charity from her earnings.

A woman in Islam then is not confined to her home. She is a human being who runs the house, works and enjoys herself in a decent way and is rewarded by the state if she does a good job. Omar Bin-Al-Khattab allocated for migrating women two thousand dinars.

We find that a wife of a governor of a province did not lead a lazy life depending on her capacity as a ruler's wife who had plenty of servants. She prefered to work not for a living but to give charity to the needy from her own money not her husband's Abdullah Al-Qurashi reported that "I went to meet Hend Bint Al-Muhallab Bin Abi Sofra, Al-Hajaj's wife. She had a spindle in her hand. I said "Do you spin while you are the wife of an Emir ?" She said "My father reported from my grandfather that he heard the prophet (P.B.U.H.) say: *"The one who could exert much effort is the best rewarded* ".

A Women Supports her Poor Husband:

Zainab, wife of Abdulla Bin Masoud (48) said to her husband "Ask the Messenger of Allah whether I am rewarded if I support you and the orphans under my protection from the charity money (from the charity paid from her own earnings). He said "You ask the Messenger" So she went to the Prophet (P.B.U.H).

Another Cultivates the Land:

It is reported by Jaber Bin Abdullah (49) who said "My aunt was divorced and she wanted to pick the harvest of her palm

trees. A man rebuked her for going out during idda. So she went to the Prophet (P.B.U.H.). He told her "Go and pick your dates for you may perhaps give charity or do a favour".

A woman Works as Shepherdess:

On the authority of Saad Bin Moadh who said [50] that "A slave girl of Kaab Bin Malek's was a shepherdess. One of the sheep fell sick so she slaughtered it before it died, when the Prophet (P.B.U.H) was asked about it he said: Eat It".

A Woman Practices Handicrafts:

A'isha [51] narrated that "Zainab wife of the Prophet (P.B.U.H) used to make hand-made items, she used to tan and cut beads and gave away charity for the poor.

A Woman Works in Trade:

Muslim women have courageously and successfully entered into the fields of trade. Qailah Al-Anmariah [52] said "I saw Allah's Messenger (P.B.HU.H) near Al-Manva changing his Ihram dress from lesser pilgrimage. I said to Him *"O Messenger of Allah I am a woman who sell and buy. Sometimes I wish to sell a commodity so I start bargaining with a price higher than with which I actually wish to sell until I sell with the prices I wish. And if I wish to buy a commodity I bargain with a price less than that with which I really wish to buy until I take it with the price I wish. He said "Don't do that Qailah. If you wish to buy a commodity bargain with the price with which you wish to take it, whether you take it or not".* This means that a Muslim women used to frequent the markets, to sell and buy while protected by the instructions of her religion.

Her Role in Nursing:

If the West takes pride in the English nurse Flaurance Nightingale who took part in establishing the Red Corss, it is the Muslim's duty then to mention with this same pride the Muslim woman Rafida.

The 17th of Ramadan of the 2nd Hijra year (53) witnessed the beginning of woman's practice of nursing when the Muslims confronted the unbelievers of Quraish at Badr. Rafida at that day set out to comfort, nurse and treat the wounded and encourage the Muslims. Following the Muslims' victory, Rafida returned home having more faith in her profession to which she devoted herself. She began to study the secrets of medicine. Her good reputation in this field attracted many people to seek her treatment. She founded the first nursing clinic in Islam, taking the Prophet's mosque as its venue. She erected a tent in the yard of the mosque where she practised her noble profession so actively, honestly and diligently.

At the Battle of Ohud, Nassiba Bint Kaab Al-Mazinia joined her in the practice of nursing. Both of them recorded an immortal memory for the Muslim woman, and reached a status which only a few have attained.

And so Rafida was the first worldwide to establish the nursing profession, to be followed 12 centuries later by Flaurance Nightingale, the founder of modern nursing.

Islam has never at any time viewed woman as an inferior member in the Islamic society. She has neither been considered as a sexual toy for man's pleasure. Even when Islam urged the Muslims to marry it prompted them for the sake of procreation rather than for lust. Islam has consequently raised the status of woman who was able at the dawn of Islam to draw an honest picture of the role of woman in human life and set a good example of the Muslim woman in a Muslim society as placed in her proper position in life.

D - Her Role in Education

Islam valued knowledge and praised men of knowledge in Allah's saying: ***"Those truly fear Allah, among His servants, who have knowledge"*** (Surat: Fatir, verse 28). (knowledge is a means to know, obey and fear Allah). The Messenger of Allah (P.B.U.H) said: (54) *"Whoever follows a path in pursuance of*

knowledge, Allah will facilitate for him a path to paradise ".

Islam did not differentiate between man and woman in this. She is commanded to pursue beneficial knowledge which leads to knowing Allah and so is the man. Ibn Hazm illustrates how women share men in pursuance of knowledge: [55] "Every Muslim who is sane and of age whether male or female, free or slave is obliged without variance on the part of any Muslim, to know what is lawful and what is forbidden so that no one of the people, males and females, free men and women, males and females slaves would be ignorant of that. It is their duty to learn that. The imam (ruler) must oblige husbands and masters to teach their wives and slaves what we mentioned whether by themselves or allow them to be taught by someone else. The imam must compel the people to do so and to employ some people who would teach the ignorant (illiterate).

Azzarkashi mentioned how A'isha disagreed with and corrected [56] 23 of the Prophet's eminent companions as for instance, Omar Bin Al-Khattab, Ali Bin Abi Taleb, Abdullah Bin Abbas. Her corrections reached 59 ones regarding different issues.

Besides women from the Prophet's family, there were other women at the early period of Islam who pursued knowledge some of whom were brilliant in various sciences and art. Among these are:

- The daughter of Zeid Bin Thabet Al-Anssariah: Al-Bukhari quoted her concerning menses.[57]

- The sister of Al-Muzni, a friend to Imam Al-Shafie: She was a jurist who attends the meetings of Al-Shafie. She was quoted by Al-Rafie regarding the Zakat of metals and she was mentioned by Ibn Al-Sobki and Al-Asnawi in Al-Tabaqat.[58]

- Fatema Bint Mohamed Bin Ahmed Al-Samarqandi (the Hanafi jurist who wrote the jurists masterpiece): She was a jurist, a narrator and a fine calligrapher. She was taught at the hands of several jurists while many others learned from her. She was occupied with teaching, and wrote many books in Islamic Jurisprudence and hedeeth. She was married to her father's

student Allaa' Eddin Al-Kasani author of Al-Bada'ii in which he elucidated the book of Sheikh Samaraqandi. It was even said that he (Allaa' Eddin) explained his (Samaraqandi's) masterpiece and he gave him his daughter in marriage. Fatema was so brilliant in Islamic jurisprudence that she used to correct her husband when he made an error. When she married the author of Al-Bada'ii (The Magnificent Things) any legal verdict (fatwa) that she made bore the signatures of herself, her father and of her husband.(59)

- Khadiga Bint Qayem Al-Bughdadia: She was a reciter of the Quran, a scholar in religion and a preacher. She used to hold meetings where people assembled to be preached and instructed.(60)

- Fatema Bint Ahmed Bin Yehia: She was a religious scholar who used to deduce religious rulings and discuss legal issues with her father, the great scholar who testified that "Fatima deduced the rules by herself ".

Her husband Imam Al-Mutahar used to refer to her in any problematic point that encountered him while teaching his students. She would then point to him the right things and he would return to his students and explain to them the unclear issues. The students then used to say: "This is not from you (it is not your explanation), it is from behind the curtain (61).

- Fatema Bint Ali Bin Hamza: She was called Lady of the Kings. She was a scholar following the school of Ibn Hanbal. At that time, Hanbali School was in its prime and so she competed with major jurists in Baghdad. Besides jurisprudence she was a narrator of hadeeth. She listened to a reading of Musnad of Al-Darami and Selections of Al-Nabawi (two great scholars of hadeeth).(62)

- Hagima Bint Yehia: She was named the young Umu Al-Darda' She was a jusrist, a narrator of headeeth and a follower from Damascus. She married Abu Al-Darda' and when he died Moawiyah Bin Abi Soufian proposed to her but she refused and spent most of her days at the Umayads where she was highly respected by the people whether Caliphs, rulers or commoners.

She used to stay six months in Damascus and the other six in Jerusalem. Besides being a jurist she was also a narrator of hadeeth. Her mastery of narration of hadeeth made the celebrated scholars of hadeeth such as Abi Dawood, Al-Termithi and Ibn Majah narrate her hadeeths. She used to sit during prayer the way a man does.

One of the interesting anecdotes reported about her position is that she was with the Caliph Abdul Malek Bin Marawan in the Dome of the Rock in Jerusalem when the call for the evening (Maghreb) prayer was announced. She walked leaning on the Caliph till they entered the mosque. She sat with women and he went along to lead the prayer. She had eloquence and wisdom in speech. A famous dictum of hers is "The best learning is knowledge" (63).

- Khadija Bint Samhaun: A follower of Al-Malki school of jurisprudence. She learned at the hands of her father who carried the banner of Malek school of jurisprudence in Morocco. Her father used to consult her in his affairs. He did not accept the position of judge until he consulted her. Women asked her about religions matters and she set a good example for them in difficult situations.(64)

- Karima Bint Ahmed Al-Marouziah: (65) She was one of the narrators of Sahih Al-Bukhari. Her copy is one of the accredited, praised by Al-Hafez Bin Hajar Al-Asqalani in *"FathulBari"*.

Al-Hafez Bin Asaker, one of the narrators of hadeeth, mentioned that his female students were over eighty women. Several of them reached a high scholarly position, for some of them were teachers of Imam Shafie, and Ibn Khalkan. Shiekh of Islam Ibn Taimia narrated 40 hadeeths, some of which he took directly from women saying my female Sheikh or teacher said...(66)

Women at the early period of Islam were thus living examples of knowledgeable people from whom many benefited a great deal. This is the biggest proof of how far Islamic education is interested in knowledge.

E - Her Role in Social Life

The Messenger of Allah (P.B.U.H) cared so much about woman's position in the Islamic community that he saw that the joy of festivities cannot be complete without the participation of women.

- The Messenger (P.B.U.H) treated men and women equally as to kindness and care. He used to visit sick men as he used to `visit sick women. Had there been any differentiation he would have visited men only. But he used to consider women with the same recognition, kindness and loving that he considered men. It was reported (67) that he went to visit a sick woman of the Ansari's. He said "How are you now". She said "Fine" though, she was suffering from fever. He said "Be patient, for it purifies man from his evils as fire takes away iron impurities".
- As manifestation of respect for women, the most serious meetings were held at the houses of women (68) not men. And yet it did not belittle the importance of the meeting that it is held at the house of an unmarried woman. The council assigned to choose a caliph following the murder of Omar Bin Al-Khattab met at the house of Fatima Bint Qais Khaled. There, they decided to choose Othman Bin Affan as Emir of the Muslims.

That is only one of the aspects of respect toward women proving that she is no less in position than man even in the most serious matters. Moreover certain rituals were performed on the roof of the house of a Muslim woman. For instance Bilal, the first to call for prayer in Madina used to call the people to prayer from the roof of the house of Al-Nawar Bint Malek.(69)

A Woman Encourages her Son:

Abdullah Bin Al-Zubair went to see his elderly mother at the house of the Caliphate in Mecca in 73 AH. Al- Hajaj Bin Yussef had then besieged Mecca. Abdullah said to his mother (70) "Mother... I am only left with those people who cannot be patient for even an hour. The other party has offered me safety (if I

surrender) what do you think ? She said: "you know yourself better. If you believe that you are right, go ahead as your companions did. If you know that you are after worldly gains then you are the worst subject who have ruined himself and those with him" He said "I fear mother that if they kill me they would disfigure my body" She replied "Son, the sheep is never harmed after being slaughtered. Go ahead may Allah be with you". He went to the battle field and fought bravely until he died with dignity just as she wished him to.

A Woman has a Say in Society:

Abul Assy Bin Al-Rabie lived in Mecca as an unbeliever while his wife Zainab daughter of the Prophet (P.B.U.H.) remained at her father's in Madina until Abul Assy set out to trade in Al-Sham. On his way back home a detachment attacked him and took away the caravan. Abul Assy escaped at night to the house of his ex-wife Zainab, asking for protection which she granted him.

When the Messenger of Allah (P.B.U.H) went out for the morning prayer and entered into prayer with his companions, Zainab shouted from the woman's place "O people I have granted protection to Abul Assy Bin Al-Rabie". When the Muslims finished their prayer, the Messenger of Allah said "O people! Have you heard what I heard?" They said "yes". He said "By whose hand Mohamed's soul is, I did not know about this until I heard what I have heard right now. The most low Muslim has the right to grant protection and asylum".

The Prophet (P.B.U.H) then went to his daughter Zainab and said "My daughter, be hospitable to him but do not let him touch you because you are forbidden to him".

A Woman Calls Her Suitor to Embrace Islam:

It is narrated by Thabet Al-Banani through Anas who said: (71) "Abu Talha proposed to Umu Sulaim. She said "By Allah you are not to be refused, but you are an unbeliever while I am a Muslim woman and I am not allowed to marry you. If you convert to

Islam then this is my dower and I shall not ask you any (although he was the richest man of Anssaris because of his palm trees). He embraced Islam and that was her dower.

Thabet Al-Banani said I have never heard of a woman whose dower was more generous than Umu Salaim's.

Islam has forbidden a Muslim woman to marry a non-Muslim for many reasons among which are:

1- Islam's trust in woman's strong faith and her weight in society.

2- As a result of marrying a non-Muslim, her children have to embrace a faith different from their mother's and this may have a bad psychological effect on her. This is because Islam obliges the children to belong to their father.

3- The Muslim woman believes in all heavenly religions and this is the perfection of faith. She must therefore, marry one who believes in all revealed religions.

What an eloquent and expressive phrase of Imam Al-Zuhari [72] "We never knew of an emigrant woman who renegaded her faith after believing in Islam".

The Woman Whose Husband Renegaded His Faith:

A woman may embrace Islam with her husband but if she embraces it out of her own free will and choice, she would stick to her faith despite her husband's apostasy. Umu Habiba [73] was married to Abdullah Bin Gahsh and they emigrated together to Ethiopia in the second emigration. Her husband converted to Christianity and died in Ethiopia. But Umu Habiba remained steadfast in her faith.

The Woman Represents Half of the Human Community:

The marriage contract, which is the basis of the family and the cornerstone of the society, involves the woman who become one of its two parties out of her own will. This grants her a social status rendering her in the best image. She represents by all means half of the human community.

Equality Between Husband and wife in Absolving Themselves and In the Power of the Oath:

Allah the Almighty said: ***"And those who launch a charge against chaste women, and produce not four witnesses, (to support their allegations), flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors; Unless they repent thereafter and mend (their conduct): for Allah is Oft-Forgiving, Most Merciful. And for those who launch a charge against their spouses, and have (in support) no evidence but their own,-their solitary evidence (can be received) if- they bear witness four times (with an oath) by Allah that they are solemnly telling the Truth. And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth"*** (Surat: Al-Noor, verses 4-9).

On the authority of Sahl Bin Saad Al-Sa'idi who said: (74) "Uwaymer came to speak to the Prophet (P.B.U.H.) amongst the people, he said: "Messenger of Allah if a man finds another man with his wife (committing adultery) should the husband kill him and then you kill the husband? Or what should I do? the Messenger of Allah said: "Allah revealed a verse concerning your wife. Go and get her". Sahl said "Uwaymer and his wife made a double testimony (sworn allegation of adultery) before the people and Allah's Messenger".

A Woman Argues with Allah's Messenger (P.B.U.H):

It is narrated by Omar that (75) *"He went to Hafsa and said: "O my daughter...you argue with Allah's Messenger until he remains angry all day long. Hafsa said: "By Allah we do argue with him".*

A Woman Hosts Men:

One of the interesting anecdotes is that a well-off generous

lady used to make banquets after the Friday prayer for whomever wished to attend. Al-Bukhari reported [76] on the authority of Sahl Bin Saad who said "We used to go to her straight after Friday prayer, greet her and then she would offer us food. We used to look forward to Fridays because of her food though it had no meat nor fat".

F - <u>Her Role in Enjoining the Right and Forbidding Wrong</u>

Islam did not forbid woman to practice any social activity outside the house. And so it did not paralyze the movement of half of the society, preventing it from performing its social functions.

And because capabilities of human being vary, Allah the Almighty said: ***"Let there arise out of you a band of people inviting to all that is good, enjoining what is right and forbidding what is wrong they are the ones to attain felicity"*** (Surat: Al-Imran, verse 104), and ***"Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them, that thus they (may learn) to guard themselves (against evil)"*** (Surat: Al-Tauba 122).

Allah knows his subjects; He did not specify men or women in particular to become knowledgeable in religious issues and admonish the people. There are women as well as men whom Allah gifted with faculties, talents and distinguished abilities such as the ability to convince others and eloquence that spring from wit. Allah has not thus differentiated between men and women in having to enjoin right and forbid the wrong. Allah says: ***" The Believers, men and women, are protectors, one of another; they enjoin what is just and forbid what is evil.,"*** (Suart: Al-Tauba verse 71).

It was not strange that the woman has been granted such a noble position to collaborate with man and to shoulder the responsibility of the call to Islam. El-Sayed Muhammad Rashid

Ridah says: [77] "It includes what is said and what is written and includes criticizing the rulers, caliphs, kings and princes. Women at the time of the Prophet knew this and practised it".

There are many examples that show how women enjoined the right and forbade the wrong in incomparable courage. They advised and argued with rulers about many questions as for example the incident of the woman who corrected Omar about dowers previously referred to in this book..

It is also reported that Khawla Bint Thaalabah [78] who was an elderly lady came to Omar who was then a Caliph while he was on the back of a donkey and in the company of some men. He leaned towards her and kept whispering to her for long. Then the Caliph and his companions went away. They said to him "O Emir of believers you have kept the men of Quraish waiting because of this old lady. He said Had she done this (she was advising him) all night I would have stayed with (listened to) her".

Another example is when Abdul Malek Bin Marwan sent to young Umu Al-Darda' whose name was Hajima Bint Huyay Al-Awssabia Al-Dimashqiah [79] she was at his house when one night Abdul Malek woke up and called for his servant who did not hasten to his master. Abdul Malek then cursed him. In the morning. Umu Al-Darda' said to Abdul Malek I heard you swear at your servant. He said "yes, he did not come quickly". She said "I heard Abu Al- Darda' say that the Messenger of Allah (P.B.U.H) said *"Those who curse will neither be intercessors nor witnesses on the Day of Judgment".*

Woman and the Quranic Narrative:

Woman has a clear role in the Quranic narrative. She is sometimes the heroine (if we may use this term) and sometimes she plays the lead of a story, a matter which indicates the woman's serious role in reform or corruption depending on her acceptance of guidance.

Sheikh Muhammad Mutwali Al-Shaarawi comments saying: [80] "When Allah the exalted introduced, these narratives to us, he presented them so that we would draw a lesson by not placing

woman in a position inferior to that in which Allah placed her".

The wife of the pharaoh had a correct viewpoint as regards her faith. She rejected her husband's belief and pleaded to Allah asking him to rescue her from the injustice and ignorance of the man.

That is despite the pharaoh's unique position among his people. He claimed to be a god, thus he treated the people men and women with frivolity. He had thus cancelled the faculty of reasoning which Allah granted his subjects.

But his wife "Asia" revolted against him. She did not accept the claim of such a man who dehumanized himself and claimed to be god and yet was blindly followed by his people.

She thought about the universe before she believed in what they believed and was guided to Allah never accepting to worship a human being like herself even if he were her husband, who provides her with pleasure, authority, privileges and the right to control the people. She refused to listen to him and he could not force her to worship him.

It is a stand that induces admiration and surprise, a man claims divinity among his people who believed in him and yet a woman stands in his face and says no. She found that this pharaoh is no different than other humans neither in his thought nor creation. She found that he is deluding himself and the people.

A situation as this has been praised in the Quran and Allah set it as an example for the people.

The woman did not stand in the face of an ordinary man but she defied a man who owned the people and exploited them as he wished.

The Quran has wonderfully expressed the pharaoh's arrogance in one verse; ***"Truly Pharaoh elated himself in the land and broke up its people into sections, depressing a small group among them: their sons he slew, but he kept alive their females: for he was indeed a maker of mischief"*** (Surat: Al-

Qasas, verse 4). He is the one who said to his people: ***"I am your Lord, most High"*** (Surat: Al-Nazi'at, verse 24). The stand of the pharaoh's wife was expressed in, ***"And Allah sets forth, as an example to those who believe, the wife of Pharaoh: behold she said: "O my Lord! Build for me, in nearness to Thee, a mansion in the Garden, and save me from Pharaoh and his doings, and save me from those that do wrong"*** (Surat: Al-Tahrim, verse 11).

Sheikh M. Mutwalli Al-Shaarawi adds: "It is not strange that a woman expresses her will by open confrontation. What is really strange is that she precedes man in this. This same stand was adopted by one believer among the people of the pharaoh. It is manly to stand in the face of the pharaoh. But he did not openly proclaim his faith; he concealed it. His faith was only evident in his advice to his people. Allah the Almighty said: ***"A Believer, a man from among the people of Pharaoh, who had concealed his faith, said: "Will ye slay a man because he says, 'My Lord is Allah'? - when he has*** *indeed come to you with Clear (signs) from your Lord?"* (Surat: Ghafer, verse 28).

The verses 28-45 of Surat Ghafer continue to relate the advice of the believer to his people when the pharaoh was about to kill Moses and he defied him, to pray to his Lord to save him from being Killed These verses reveal the eloquence of this believer who preferred to resort to this method rather than the method of candid confrontation adopted by the pharaoh's wife.

Here, the woman, though physically weak, preferred candidness and confrontation while the believing man preferred the method of advice and eloquence. The woman's stand regarding a delusive man is not lacking in courage and confrontation, asking the help of Allah.

Sheikh Sharawi adds "there is another situation of another woman in which the Quran reveals that a woman can have a mature opinion which might surpass that of men.

The Quran relates the story of Belqis Queen of Sheba when

Solomon sent her 2 messages as indicated in the two verses 30 and 31 of Surat An-Naml, i.e. ***"It is from'Solomon, and is (as follows): "In the name of Allah, Most Gracious, Most Merciful: "be ye not arrogant against me, but come to me in submission (to the true Religion)".*** Balqis thought that Solomon wanted to take her kingdom so she consulted her people asking for their opinion. They replied that they are mighty people who are waiting for her command to use their force.

Although she thought that Solomon was a king who coveted her kingdom and described kings as spoilers of lands who enslave people, she preferred to wait and test him by sending him a gift. She said that if he accepts it then he is after money, which is one of the qualities of kings, and if he refuses it then he is a Prophet. When her Messenger came to Solomon carrying a gift worthy of a king, he said according to verses 36, 37 of Surat An-Naml ***"Now when (the embassy) came to Solomon, he said: "Will ye give me abundance in wealth? But that which Allah has given me is better than that which He has given you! Nay it is ye who rejoice in your gift! "Go back to them, and be sure we shall come to them with such hosts as they will never be able to meet: we shall expel them from there in disgrace, and they will feel humbled (indeed)".***

When Solomon refused the gift and his words were conveyed to Belqis by her Messenger, she knew that he was not a fortune-seeker but was rather a man of principles and a conveyer of a message.

The woman was then able to deal with the situation eloquently, tactfully and with wit.

Sheikh Shaarawi (81) comments 'After answering her sharply, Solomon wanted to show her that Allah has given him kingdom and power which he has never given her.

She had a unique throne ornamented with rare jewels. Solomon said to the jinn's (demons) whom Allah subjected to fulfil the demands of Solomon: "Which of you will bring me her throne before they came to me in submission?" He wanted her to

find her throne when she came to him. One of the demons said "I Shall get it for you before you rise from your seat". Another who had knowledge from the Book said "I shall bring it to you in the twinkling of an eye".

And indeed he brought the throne before the twinkling of an eye.

When Belqis came and found the throne she left behind in her country before her eyes, she realized that the power and ability that moves her throne in such speed is not the might of a king, for disjoining, transporting and assembling the throne needs tens of years. And it would not be the same. So how about seeing the throne right before her eyes? when she was asked "Is this your throne?" She said "It seems like it" (This answer reflects her exquisite judgment and unhastiness in negating or affirming. Her words indicate prudence in making verdicts until the matter is clarified).

Belqis realized that she is facing a Messenger from Allah and that Allah is worthy of being worshipped not the sun which she and her people used to worship. She said as related in verse 44 of Surat An-Naml: ***"... O my Lord! I have indeed wronged my soul : I do (now) submit (in Islam), with Solomon, to the Lord of the Worlds".***

The story is wholly related in Surat An-Naml verses 20 to 44. It is worthy of every thoughtful person to refer to and comprehend it.

Whoever contemplates the words of the Quran will find the phrase "I now do submit with Solomon". She did not say "submit to Solomon. It means that we are submitting to Allah and not followers to Solomon. She is not being inferior to Solomon but she has submitted and devoted her worship to Allah as he did. Such words could only be said by one of a mature and enlightened mind and a great spirit.

This is the historic position of woman as revealed in the Quran which has preserved for her, her talents, struggle and influence in life.

It is noteworthy that Islam looks upon man from three aspects; the spirit, the mind and the body.

Women have represented these three aspects in the Quranic narrative.

Asia, wife of the pharaoh represented the spiritual side. She said: ***"O my Lord! Build for me, in nearness to Thee, a mansion in the Garden, and save me from Pharaoh and his doings, and save me from those that do wrong"*** (Surat: At-Tahrim, verse 11).

Queen of Sheba represented the mental aspect. She said: ***"Ye chiefs! Advise me in (this) my affair: no affair have I decided except in your presence"***. (Surat: An-Naml, verse 32).

The wife of Potifar (Aziz) represented the physical side which Islam did not ignore ***"She fastened the doors, and said: "Now come, thou (dear one)!"***. (Surat: Yusuf, verse 23).

Such is the female for which a great deal of the verses has been devoted, a matter which denotes her influential role in society.



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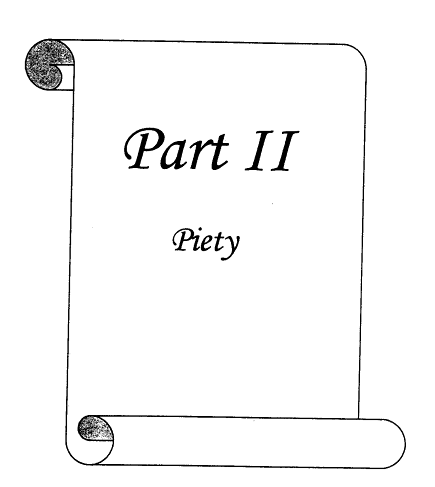
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Part II
Piety



CHAPTER FIVE

PIETY IS THE CRITERION FOR DISTINCTION BETWEEN HUMAN BEINGS



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In order to realize that the truly Islamic criterion for distinction between a man and a woman is nothing but righteousness, one should, first of all, rid the Islamic faith of impurities that have resulted from wrong interpretation. In fact, the criterion for divinely distinction between a man and a woman is the same for distinguishing between a man and another man or between a woman and another woman. Good deeds and righteousness are the divine basis for preference.

- The writer caried out a field research that covers the view points of 38 of the famous religious [*] scholars and the result was as follows.

  The majority of ulama stated that piety in its broad sense is the criterion of preference between men and women. Piety in this sense includes knowledge and good deeds. This falls in line with the findings of the theoritical study.

- Seven of the ulama regarded guardianship (Qiwamah) the criterion of preference between men and women which does not agree with the findings of the theoretical research for the following reasons:

  The theoretical study has found out that the Qawamah verse ***"Men are the protectors and maintainers of women"*** (An-Nisaa, verse 34) means that guardianship is a duty rather than an

* The original replies of (Ulema) famous Scholars of Islamic Religion and its translation to English are available at the library of the Centre for Islamic Studies at Lampeter. University, wales, UK.

honour., and that preference here has nothing to do with the human value of men and women as such, this explains the use of masculine pronouns in ***"the one more (strength) than the other"*** and not the "male one more than the female one" and in: ***"And in no wisecovet those things in which Allah hath bestowed His, gifts more freely on some of you than on others"*** (Al-Nisaa, verse32) From this we have concluded that men and women, each has got indispensible advantages of their own".

In Al- Sabouni's *Safwat al-Tafaseer (pan One p. 178) it is observed that the Quran reach"* ***the one more (strength) than the other"*** and not "male than female" though the latter is more exclusive and briefer which implies that the Quran views woman in relation to man as an organic part of the human body and vice versa. One part of the body must not view itself superior to another, an eye cannot make us dispense with an ear neither can a hand make us dispense with a leg. Each part has got an indispensible function. This is the meaning of the miraculously brief phrases of the verse in question.

Sheikh Mohammad Metwalli Al-Shaarawi [*] observes briefly [1] that that guardianship is understood by some to mean possession and preference which is totally irreconcilable (with the intention of the verse, the guardian is the person who makes every movement of him for the sake of the guarded. Allah says: ***"Is then He who standeth (guardeth) over every soul (and knoweth) all that it doth.."*** which means that Allah takes care of every soul and provides it with its means of subsistence and guards over all the matters of its life, "qiyam" (standing) the opposite of "Qo'oud" (sitting) means moving in life for the support of women and the provision of money, food and all the demands of life for them. "Qiyam" (Standing) - guardianship - here means being responsible for her and for

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* He was among the scholars to whom copies of the questionnaire were sent but he was unable to respond because of his long illness.

(1) Sheikh Mohammed Metwalli Al-Sha'rawi, "Women the Holy Quran" AKHBAR Al-youm Est. g Cairo, 11/9/1990, PP.114 and 115.

providing all her demands and those of her children.

Allah's words: "because Allah has given the one more than the other" do not specify the preferred which implies that men are preferred in certain aspects and women in others, each is endowed with what guarantees the performance of his/her mission in life."

This basic principle of Islam has been unequivocally and forcibly laid down by the verse ***"Mankind! reverence your Guardians- Lord, who created you from a single person, created, of like nature, His mate and from them twain. Scattered (like seeds) Countless men and women,- Reverence God, through whom ye demand your mutual (rights), and (reverence) the wombs (that bore you): For God Ever watches over you."*** (surat: Al-Nissa, verse 1)

The above- mentioned verse is addressed to all humans, because it expounds a matter that concerns all of humanity and not one particular society or period of time. The verse, at the very beginning, directs all humans to be righteous, fearing Allah the Almighty. It was He who created them and it is He who reigns over Humans. Humans, should therefore resign themselves to Him. In this way, humans are all equal before Allah, regardless of racial, ethnic, national and social differences. The principle of equality is not only derived from the fact that all humans have been made by the same creator but is also derived from the fact that they all have been made from the same substance; from this very same substance both males and females have been made. Allah says, ***"O mankind, We created you from a single (pairs) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous (pious) of you."*** (surat :Al-Hugrat, verse 13). The verse then expounds the concept of righteousness in another significant way :***" ...reverence Allah through whom you demand your mutual (rights) and (reverence) the wombs (that bore you)"*** (Surat : Al-

Nissa', verse 1). By the end of the same verse, a very important principle is laid down : ***"for Allah ever watches over you"***

Thus, the equality of all humans is reinforced by the principle that Allah reigns over them, overseeing to what extent they observe the principle of equality.

The surat Al- Nissa' has thus laid the foundation on which a righteous society can be firmly built: that all humans are equal before the creator, and -by implication - that Allah oversees all humans, who, accordingly, should be righteous, Another set of Islamic principles follows from this fundamental tenet, These are:

- Humans are not to be discriminated against on the basis of religious and racial differences.
- Social discrimination between men and women is to be eliminated.
- God fearing, or piety, becomes an integral part of the self, which is referred to as taqwa Allah.
- Compassion on one's kinship is thus revived, which is referred to as "taqwa al- arham".

Thus, the kind of disparity between humans that will never be eliminated is the extent to which each one of them is pious and the extent to which each one has cultivated certain moral inclinations and values in themselves. This is where women may surpass men or be surpassed by men. Sex has nothing to do with the divine judgment that one particular human being is more pious than another. Human beings are all equal as to aqa'id (articles of faith), ibadat (religious observances), and akhlaq (morals), and they are also equal as to the quest of knowledge, work, and perseverence. It should be clear now that the major issue here is not whether one is male or female but whether one has nurtured the required morals and the divinely -approved inclinations. The physical strength of a man will not guarantee him a greater measure of piety, nor will the physical weakness of a woman detract from her ability to be pious.

- It is noteworthy that since the advent of Islam 14 centures ago the Islamic view of the unity of humanity is manifested in explicitly stressing the rejection of all forms of discrimination among races, religions or nations, and in granting the right to respectable life for all humans. Men and women, regardless of any differences, have the right to enjoy the dignity that God granted them since He created man and woman in esteem whether on land or in sea and subjugated the universe for him/her.

These Islamic views were ahead of all contemporary laws which are regarded as cultural revolutions in modern age such as the World Declaration of Human Rights and the texts of "The International Charter of the economic social and cultural rights of man.

Whereas these international texts have been held as mere recommendations unguaranteed by legislation, Islam regards human rights not only as "natural rights" but compulsory obligations that are protected by legislative and executive guarantees.

Islam has also called upon all humans, without disriminating between races, colours and religions, to cooperate for the good of all.

The Quranic Conception Of Taqwa (Piety) [1]

Taqwa (piety, devotion and reverence for Allah) is mentioned in the Quran in the course of explicating the concept of adherence to divine guidance. Piety is said to keep human beings free from apprehensions and afflictions. A human being who is thus relieved will feel reassured, he will be at peace with life and with himself, and, consequently, he will be better able to reason, reflect, and work. ***"Oye children of Adam! Whenever come to you Apostles from among you, rehearsing My signs unto you, - Those who are righteous and mend (their lives), - on them shall be no fear nor shall they grieve"*** (Al-A'araf, 35).

Piety is also mentioned as a reflection of the observance of the teachings expounded in the Quran, which will ensure that human beings proceed along the path of righteousness and redemption. ***"They are on (true) guidance, from their Lord, and it is these who will prosper"*** (Al-Baqarah,5).

Another context in which taqwa is mentioned is that of general reverence and genuine belief. ***"Such are the people of truth, the God -fearing"*** (Al-Baqarah, 177).

It is also mentioned in many other contexts : the context of victory and support bestowed by Allah ***"Yea, if ye remain firm and act right, even if the enemy should rush here on you in hot haste, your Lord would help you with five thousand angels, making a terrific onslaught."*** (Al-Imran, 125) and ***"But if ye are constant and do right, not to the least harm will their cunning do to you"*** (Al-Imran, 120).

The context of being close to Allah and in His favour, a bestowal granted only to pious worshippers and not to those who have gone astray from the path of truth and rectitude - worshipping a god other than Allah, treating worshippers of Allah

(1) by Sheikh Mahmoud Sheltout (Al- Azhar magazine, Volume 21, No. 10. June 1952).

oppressively, and misusing the graces of Allah. ***"And they are not its guardians? No men can be its guardians except the righteous, but most of them do not understand"*** (Al-Anfal, 34) and ***"Behold! Verily on the friends of God there is no fear, nor shall they grieve."*** (Younis, 62).

The context of fortifying the self against satanic insinuations and against whimsical desires, ***"Those who fear God, when a thought of evil from Satan assaults them, bring God to remembrance, when so they see (aright)"*** (Al-Aaraf, 201) the context of grief and sorrow being dispelled and worries being relieved, ***"And for those who fear God, He (ever) prepares a way out, and He provides for them from (sources) he never could imagine...."*** (Al-Talaq, 2) and ***"And for those who fear God, He will make their path easy"*** (Al-Talaq, 4) and the context of the conferment of mercy upon an individual, ***"And ordain for us that which is good, in this life and in the hereafter: For who have turned unto Thee. " He said, "With My punishment I visit whom I will; but My Mercy extendeth to all things. That (Mercy) I shall ordain for those who do right, and practice regular charity, and those who believe in Our Signs"*** (Al-Aaraf, 156).

Piety also occurs in the Quran in the course of warning against sedition, which harms the guilty and the innocent alike, Allah will punish the guilty for arousing it and the innocent for conniving at it. Seditions will tear the nation's ruling asunder, break up people into mazahab (creeds) and factions, and disperse efforts that could otherwise be aimed at promoting virtue and preventing vice. ***"And fear tumult or oppression, which affecteth not in particular (only) those of you who do wrong..."*** (Al-Anfal, 25).

The doing of good in another context in which piety is applicable, ***"Verily, (the ends) ye strive for are diverse, So he who gives (in charity) and fears (God), And (in all sincerity) testifies to be best, we will indeed made smooth for him the path to Bliss."*** (Allayl, 4,5,6 and 7).

Moreover, the one who is Taqiy (pious) enough is the one who may avail himself of blessings found on the earth or in the skies, Allah has the power to guide humans to ways of extracting concealed treasures and ways of benefiting from them. ***"If the people of the towns had but believed and feared God, We should indeed have opened to them (all kinds of) blessings from heaven and earth."*** (Al-Aaraf, 96)

Furthermore, piety is mentioned in the context of heavenly reward and the ever - lasting grace of Allah, ***"The parable of the Garden which the righteous are promised, beneath it flows rivers, perpetual is the enjoyment thereof, and the shade therein, such is the end of the Righteous..."*** (Al- Ra'ad, 35) and ***" Not one of you but will pass over it, this is, with thy Lord, a Decree which must be accomplished. But We shall save those who guarded against evil, and We shall leave the wrong - doers therein (humbled) to the knees."*** (Mariam, 71 and 72) as well as in the context of heavenly support and divinely conferred victory and mercy,***" Such is the Garden which We give as an inheritance to those of Our servants who guard against evil."*** ***and "But know that God is with those who retain themselves."*** (Mariam,6).

This shows that piety, as conceived of in the Quran, has a direct bearing on being free from deficiency and on abstention from wrong - doing. It is also viewed to be relevant to security, reassurance, peace of mind and stability, as well as to happiness in this life and happiness in the afterlife.

The Quran has therefore given special prominence to piety, repeatedly commanding people to be pious, to cherish devotion and reverence for Allah by worshipping Him as the one and only God, in recognition of His grace as the Creator, the Sponsor and the Protector, and in recognition of His grace as the Bestower of material and spiritual support, the Bestower of all blessings - affluence, offspring, and arable land.

Allah has also cautioned us to be pious in order to ward off

His punishment when we are brought before Him on judgment day. ***"For God is with those who retain themselves, and those who do good."*** (Al-Nahl, 128), ***"Yea, fear Him who has bestowen on you freely all that ye know."*** (Al-Shu'ara', 132), ***"Fear your Lord"*** (Al-Nissa,1), ***"Fear Me and Me alone"*** (Al Baqarah, 41) and ***"Warn (Man) that there is no god but* I, *so do your duty unto Me."*** (Al-Nahl, 2).

Moreover, a pious one not only reveres Allah with awe but is also fearful of worshipping another god alongside with Allah or cherishing the notion that some human was the son of Allah. A devout one is also fearful of disregarding the divine warning against committing crimes that are punishable by "hudoud" (divinely designated penalties), and he is also fearful of disregarding His ordinances, as well as the canons that Allah has laid down to govern the construction and the functioning of the universe. An individual thus pious would escape divine punishment. Divine punishment is inflicted both in this life and in the afterlife. In the afterlife punishment is inflicted upon an individual for ignoring divinely designated religious duties, in this life, punishment is inflicted individually or collectively for overlooking casual relationships that bind the universe together, neglecting obligations towards other human beings, and disbelief in the Creator of the universe.

Our ancestors pointedly spoke of piety. For instance, they said that "Piety is the abandonment of insistence on disobedience to Allah and the abandonment of arrogant obedience", "piety is the preference of no-one to Allah but Allah Himself", "Piety is the acknowledgment that all things are in the hands of Allah", "Piety is abstention from uttering what humans will find disagreeable, abstention from doing what angels will find disagreeable, and abstention from harbouring thoughts that Allah will find disagreeable", "Piety is to make your heart as agreeable as your conduct", "Piety is to refrain from doing what the lord has forbidden and to do what He has commanded", "A pious one is the one who follows the example of the prophet, one who has

turned his back on this transient life, one who is faithful and grateful to Allah, one who keeps away from what is forbidden."

Aware of the importance of being pious, our predecessors have made a point of explaining how an individual is to show piety, in order to be free from moral and spiritual deficiency. Their approach to the explication of piety has consisted in pointing out how piety affects certain aspects of the individual and collective lives of the people. Addressing individual or collective ailments, they have prescribed remedies derived from the purport of piety, remedies that would effectively heal. With prescribing remedies thus done in specific terms, it has proved more potent than otherwise done in general terms, a remedy conceived of in general terms would not address particular ailments and, accordingly, it would not satisfy a particular need or answer a particular question. And this principle should be followed when educating or reforming people.

The principle of specificity rather than generality has given rise to many understandings of the importance of piety as well as that of other virtues that would deliver the soul from sin and from punishment for sin. Foremost among these virtues are thankfulness to Allah and resignation to His will. The many conceptions of piety all revolved around people's innermost status and their inclinations as well as whatever they were found to be negligible of or wanting. However, in spite of the multiplicity of conceptions of piety and in spite of the seemingly differing understandings, the explanations of the virtue of piety previously cited would be agreeable to all our predecessors. A common thread that all these sayings have is that piety is a way of fortifying the self in the face of harmful inroads and in the face of whatever might preclude its perfection. One possible reason for the wide divergence of opinion over the meaning of piety is the practicality of our predecessors; their having been concerned with drawing attention to what virtue was nonexistent at a particular time, what virtue was in need of reinforcement, and what deviation was in need of rectification. The same approach is

found in the many volumes of Prophetic guidance, where Prophet Muhamad recommends different things on different occasions: patience, calmness, modesty, filial gratitude. Each time the Prophet gives particular advice, it is made to appear as being all there is to faith, virtue or goodness.

Quranic interpreters have explained the meaning of the term taqwa in terms of particular context in which it occurs in the Quran; they have interpreted it to be fear of Allah. ***"...And fear the Day when ye shall be brought back to God...."*** (Al-Baqarah, 281) and ***"Omankind! Reverence your Guardian Lord, who created you from a single Person..."*** (Al-Nissa, 1) and ***"O mankind! Fear your Lord! For the convulsion of the Hour (of judgment) mil be a thing terrible"*** (Al-Haj, 1) the belief in Allah as the one and only God, in ***"their hearts has God tested for piety..."*** (Al-Hujarat, 3) and ***"Warn (man) that there is no god but I, so do your duty unto me"*** (Al-Nahl, 2) abstention from sinning, in ***"Enter houses through the proper doors, and fear God... "*** (Al-Baqarah, 189).

This variation has led to the assumption that "piety" has different meanings, being a polysemous term, that is, a number of words that sound the same and mean different things. In fact, the approach followed by our ancestors and then by Quranic interpreters has resulted from the need to address various specific situations and contexts. They have not been concerned with explaining the general intrinsic meaning of the term. Nevertheless, with the many context - dependent meanings of the term put together, we would realize that our educators and interpreters have been talking about one integral whole: the belief that Allah is the one and only god, with piety being an effect of this belief. Repentance, in turn, is one of the ramifications of piety. This constitutes the common ground where the many meanings of "piety" meet; the fundamental meaning of "piety" is fear of whatever may afflict the self. Piety, therefore, is the outcome of fear, which requires knowledge of that feared. That may be either the punishment or the punisher. It follows that one

who has knowledge of Allah is the one who fears Him, one who feels devotion and reverence for Him, that is, one who is pious. In brief, piety results from fear, and fear results from knowledge. It is the protection of the self against human, religious or social deficiency.

One of the most important manifestations of piety is found at the beginning of surat Al-Baqarah: the bestowal of Quranic guidance upon the pious, who have made themselves impenetrable to the belief in solely material, observable things. These are the ones who have not cut themselves off from the source of everlasting good, the ones who are not unfeeling or hard-hearted, the ones who are not unmoved by the suffering they observe around them, the ones who do not overlook the truth revealed to them. This is found in the following verse: ***"This is the Book; in it is guidance sure, without doubt, to those who fear God; who believe in the unseen, are steadfast in prayer, and spend out of what We have provided for them; and who believe in the Revelation sent to thee and sent before thy time, and (in their hearts) have the assurance of the Hereafter."*** (Al-Baqarah, 1-4).

This shows that the pious ones are those who are not greedy, those who are not driven by material gain, those who show compassion towards the needy. These are the ones who benefit from the Holy Quran, the ones who are rewarded in this life and the afterlife. ***"They are on (true) guidance, from their Lord, and it is these who will prosper"*** (Al-Baqarah, 5).

These are the ones who Allah says have absolute knowledge and unimpaired faith, ***"And those whom knowledge has come see that the (Revelation) sent down to thee from thy Lord - that is the truth..."*** (Saba, 6), ***"Say, 'whether ye believe in it or not, it is due that those who were given knowledge beforehand, when it is recited to them, fall down on their faces in humble prostration', and they say, 'Glory to our Lord! Truly has the promise of our Lord been fulfilled."*** (Al-Isra, 107 and 108), ***"They fall down on their faces in tears, and it increases their***

(earnest) humility." (Al-Isra', 109), ***"Say, It (the Quran) is a guide and a healing to those who believe."*** (Fussilat, 44), ***"But verily this is a message for the God-fearing."*** (Al-Haaqah, 48).

Contrary to what Allah says in these verses about the pious, He describes the impious as evil, deviant, and ignorant. They are the ones who have stubbornly refused to believe in Allah and to perceive the truth revealed to them. ***"And to the wrong-doers grant thou no increase, but in perdition."*** (Noah, 28) and ***"The same is to them whether thou admonish them or thou do not admonish them; they will not believe."*** (Yaseen, 10)

These non-believers are not the only impious ones mentioned in the Quran; there are also the hypocrites: the ones who maintain a semblance of belief while deep at heart they are non-believers.

Both the non-believers and the hypocrites have chosen to stray from the right path, disregarding the word of Allah and the efforts made by the Prophet of Allah. The pious, on the contrary, have chosen to proceed along the right path. The pious have taken notice of the canons Allah has set for the workings of the universe and they obey His commands. They have been rewarded by attaining human sublimity, keeping themselves and others away from faulty belief, faulty morals, and faulty deeds. Piety is the light that guides them and they are, therefore, the winners. ***"O ye who believe! If ye fear God, He will grant you a criterion (Furqan) to judge between right and wrong."*** (Al-Anfal, 29).

This light, is what Allah refers to as Furqan, which is the evidence that helps to distinguish one thing from another. Some ulema have interpreted Furqan as a discerning visionary ability which helps to distinguish truth from untruth, and proof from the semblance of proof. Others have said that Furqan is deliverance from hardships. These different interpretations have in fact emanated from an interest in details. Viewed in general terms, Furqan is both a cognitive concept, Furqan is an ability which provides a light in which truth and genuine proof can be differentiated from untruth and false proof. As a practical

concept, Furqan is in fact the product of the cognitive concept, it is the ability to distinguish what should be done from what should be abandoned. In either sense, attaining Furqan requires long and strenuous learning and training, in search of virtues, precepts, and the unobservable.

You become a pious person when you have acquired this learning and possessed the ability to make such distinctions.

"(Namely) those whose lives the angels tabe in a state of Purity, saying (To them), " Peace be on you; enter ye .The Garden, be cause of (The good) which ye did (in the world)".(Nahal 32).

It should now be clear that piety - as explained in the Quran - has favourable implications for both the individual and the society. Should people know what it really is and do what followed from it, the world would be free from indignation and evil, the kind of evil that has almost undermined the reason which underlies Allah's creation of man.

It can be concluded that piety is the only way of attaining happiness both in this transient life and in the afterlife, and it is the only way of realizing the human aspiration to perfection. And this is where one legitimately may compete with one another.

(they say): ***"our lord! Let not our hearts deviate (from the truth) after you have guided us, and grant us mercy from you. Truly, you are Bestower"*** (Al-Imran, 8).



Part III

Women, as the other
Half of Human
Kind have an important
role to play
in human life





I- Women and men are in complementary relationship:

Both men and women are necessary for inhabiting the earth. According to the Quran : "... ***Created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women;-"*** (Surat : An-Nissa, verse 1). This means that women have the same legal capacity as men. This is evident in the divine command to Adam and his wife : ***"We said : O Adam I dwell thou and thy wife in the Garden; and eat of the bountiful things therein as (where and when) ye will; but approach not this tru, or ye run into harm and transgression."*** (Surat: Al-Baqarah, verse 35). Women, therefore, have taken their share of the human responsibility for inhabiting the earth, since Allah created men and women to be his successors on earth. It follows that women and men are responsible for the maintenance and protection of human society.

Women in Islam are on a par with men as to the duties they have in common, as successors to Allah. They have been commanded to inhabit the earth and worship Allah during their stay on it. Men have a role to play in establishing and maintaining human society, and women have theirs. These two roles complement each other. Thus rivalry is ruled out, and a binding obligation is instituted.

The first Quranic mention of the equality of women with men occurs in Surat "Al-Layl" : ***"By the Night as it conceals (the light; by the Day as it appears in glory; by (the mystery of) the creation of male and female;- verily (the ends) ye strive for are diverse. So he who gives (in charity) and fears (Allah), and (in all sincerity) testifies to be the Best, I will indeed make smooth for him the path to Bliss, but he who is a greedy miser and thinks himself self-sufficient, and gives the lie to the Best,- We will indeed make smooth for him the Path to Misery;"*** (Verses 1-10). This indicates that men and women have been

equally commanded to observe religious duties that have to do with both this world and the afterlife and that men and women are equally accountable for their deeds. The man and the woman complement each other as day and night complement each other. Man and woman have certain things in common, but they are different from each other in certain other respects. It is no wonder, then, that men and women have their respective distinctive function as human beings.

To make clear the idea that men and women complement each other, Allah pointed out the analogy between men and women, on the one hand, and day and night, on the other. Day is different from night : day is filled with light, and night is filled with darkness; day is the time when humans work to earn their living, and night is the time when they retire, to rest and go to sleep. Day and night have different functions within a system - the universe. Yet, there is a complementary relationship between the two. Had Allah willed night not to be there, humans would be tired working all the time and not getting any rest at all, By the same token, had Allah willed day not to be there, we would hardly be able to earn our living. According to the Quran, "Say : ***"See ye? If Allah were to make the Night perpetual over you to the Day of Judgment, what god is there other than Allah, who can give you enlightenment? Will ye not then hearken? Say: See ye? If Allah were to make the Day perpetual over you to the Day of Judgment, what god is there other than Allah, who can give you a Night in which ye can rest? Will ye not then see?"*** (Surat : Al-Qassas. verses 71 and 72).

II-Responsibilities of Women :

*a- **In the Family Milieu** :*

Women were created to deal with human beings, who are superior to all else in the universe; while men were created to deal with all that is inferior to humans. It is true that, according to statistics, women account for 39% of the population of human communities; but they are the more influential half of human society. This is so because women are responsible for raising human offspring and providing society with those who become its future leaders. Should women do their basic duties as best as they could, contemporary societies would be free from many of the economic, social, and psychological problems they have been facing. Women, in fact, have a lot to offer for the stability, security, and development of society. If the family is the constitutive cell of society, women are the nurturers of this cell, being its nucleus and mainstay. A large part of all that women do for the good of the family - by bringing up their children and by being of assistance to their husbands, fathers and brothers - is necessarily reflected on the activities and advancement of society.

Women are a source of comfort, rest, and reassurance for their husbands. This is reflected in the verse 189 of Surat Al-A'raf : ***"And made his mate of like nature, in order that he might dwell with her (in love)".*** This means a man enjoys his wife's company and seeks refuge with her. It is the male who seeks refuge with the female, which is a fact that women are rarely aware of.

The Quran also defines the nature and conduct of women believers : ***"... the righteous women are devoutly obedient, and guard (in the husband' s) absence what Allah would have them guard ... "*** (Surat : An-Nissa', verse 34).

A righteous women with a true belief is always deliberately and lovingly obedient and even submissive. Allah, therefore,

describes such women as (pious) and not merely (obedient). Yet, it is of their own free choice that Muslim women resign themselves.

In the family milieu, a woman is in a partnership with her husband. She is not a sexual play thing that he avails himself of as he desires. There is a mutual intimate relationship between the two. In this regard Allah says : ***"They (your wives) are your garments and ye are their garments ..."*** (Surat: Al-Baqarah, verse 187).

With the comfort she provides, a woman helps her husband to put up with the renewed hardship he goes through at work. In this way, she takes an active part in his work, enabling him to be efficient and productive. This has positive implications for the entire society.

Islam wants women to be aware of their naturally endowed vital function as a wife, who gives her husband comfort, warmth and affection; and as a mother, who lovingly raises her children to be well-bred-children who possess such virtues as truthfulness, courage, self-confidence, moderation, justice, self-reliance, obedience, cooperation, and productivity.

Cultivating such virtues in children at a very early age is the most effective way of producing successful individuals and establishing prosperous societies - since society is but a group of individuals.

Since these virtues constitute the moral component of an individual's personality which makes the individual conscientiously keen to abide by moral code and submissively accountable to his Creator, the Almighty has made reward and punishment commensurate with the extent to which the individual adheres to or strays from the moral code. An individual who is thus virtuous will be rewarded by being sent to Heaven while an individual who is not will be punished by being sent to Hell. The latter is the individual who has chosen to be unjust, untruthful, cowardly, etc.

However, a woman who generously gives her husband and children the affection and dedicated care they need is entitled to certain rights just as she is required to fulfil certain duties.

b- <u>In the Social Setting :</u>

Muslim women have expressly been commanded to take part in efforts for promoting virtue and preventing vice. According to the Quran, ***"The Believers, men and women, are protectors, one of another : they enjoin what is just, and forbid what is evil ..."*** (Surat: At-Tawbah, verse 71). Like men, women have been charged with a mission to attend to, a mission that consists in general commandments directed at men, unless otherwise specified.

In this way, Islam has given women a social function of their own. In fact, some women have excelled men in their judiciousness, particularly as regards the promotion of virtue and the prevention of vice Allah says : ***"Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong ..."*** (Surat Al-Imran, verse 104). Allah has not entrusted this duty to all Muslims, but He has entrusted it only to those whom Allah has endowed with special gifts - who may be men or women.

One of the most honourable duties a woman may do is the study of those sections of Islamic jurisprudence that are concerned with women, because there are certain matters that women may be embarrassed to ask men about.

The real problem, then, lies in a lack of awareness of the commands and interdictions of Islam, which gives special importance to the work of a woman engaged in religious and social reform, particularly if her efforts are directed at other women. In fact, women are in bad need of a real awareness that would enable them to know how to carry out their mission as best as they could. Women excel men in raising the awareness of women of vital things that Islam has called for. For instance, Islam has commanded both parents to teach their children to ask their parents

permission before entering their parents' room at certain times. In this connection, Allah says : ***"O ye who believe! Let those whom your right hands possess, and the (children) among you who have not come of age ask your permission (before they come to your presence), on three occasions, before morning prayer, the while ye put off your clothes for the noonday heat, and after the late -night prayer..."*** (Surat: Al-Nour, verse 58). This is intended to avoid the parents embarrassment and to avoid the children exposure to what might be unbecoming. Islam has also commanded parents to teach their children to always be truthful in their speech and in their deeds and to observe good manners when eating and drinking. The importance of setting a good example for their children to follow is emphasized in the following prophetic tradition : [1] Abdullah Ibn Omar has narrated: *The prophet visited us at home when I was a young boy. While he was there, my mother said to me "Abdullah, come here, I have something to give you." the prophet asked, "What will you give him?" she said, "I'll give him some dates." The prophet then said, "If you didn't give him the dates, you would be recorded as having said a lie".*

Of the importance of teaching children good eating habits, the prophet- on seeing a boy moving his hand about in a disorderly fashion in the dish he was eating from - said to him, [2] *"Say bismillah (in the name of Allah) and then eat with your right hand, eating only what is right in front of you."*

The prophet also advised against discriminating between children. He point out that treating them on equal terms with one another would ultimately make them love one another. This is how the prophet put it : [3] *"Give your children indiscriminately, and if I were to prefer one child to another, I would single out the girl"*

Nowadays many Muslim societies are suffering from disintegration and remoteness from the teachings of Islam. This comes as a natural result of a limitation in missionary activity and the spread of means of dissolution within society or through other invading means capable of influencing and isolating society from rightful teachings of Islam. This has had adverse impacts on

social, intellectual and cultural life in many Muslim societies, which is very evident in extremist phenomena that many societies are suffering from.

This has led to the deviation of a lot of Muslims from teachings of Islam in treating women, where unfair and fabricated traditions have prevailed among them ending with women to ignorance and near-complete isolation. Such mistaken beliefs can be overcome by referring to the texts which illustrate the practical role of women during the life of the Prophet (peace be upon him). These texts prove that the backward status of women in contemporary society is completely alien to Islam, since Islam strongly rejects all forms of social subjugation which befall women such as compelling her to marry against her will and taking away her inheritance etc... This is illustrated in verse ***(139) of Surat Al-An'am*** as Islam denies depriving women from the delights of life and licensing them only to men as reflected in Allah's saying : ***"They say : "What is in the wombs of such and such cattle is specially reserved (for food) for our men, and forbidden to our women; but if it is still-born, then all have shares therein"*** (Surat : Al-An'am, verse 139).

When rightful Islamic information and thought are spread in any society and when efforts are intensified and potentials are invested, this will defeat mistaken ideas and give no chance for them to be established in people's mind. Societal problems related to women's life are very numerous and she is more competent than man in suggesting solutions to them and diagnosing the illness and prescribing the treatment. In addition, preachers should spread social awareness among women and this entails, for instance, resisting some inherited social customs such as those related to in-family marriage, girl circumcision, etc...

Through Awareness :

Woman in Islam has been given the greatest amount of freedom of thought. Islam has registered this in Surat Al

Mujaadilah (*) where a woman argues with the Prophet (P.B.U.H) about a legislative affair and this resulted in setting a legislation related to "Alzihar" (A pre-Islamic form of divorce consisting in the words of repudiation : you are to me like my mother's back). Here is what is related in this connection : ***"Allah has indeed heard (and accepted the statement of the woman who pleads with thee concerning her husband ...".***

Thus woman should be fully aware of this and should not cancel her mind.

Like the man, the woman is invited to do good to her society, as Allah says : ***"And do good, that ye may prosper"*** (Surat : Al-Hajj, verse 77). Thus, she should participate as much as she could in improving her society by means of giving advice - at the political or social level - so as to establish appropriate civilization for her society, and keep it from corruption. This can be realized by supporting positive behaviour and resisting delinquency. This is one of the forms of jihad (Islamic duty) for achieving fair and just authority. It was narrated by Tameem Aldary that the Prophet (P.B.U.H) that he said : *"Religion is advice. "We said : "for whom?" He said : "For God, his prophet and all believers".*

There are models at the beginning of Islam which illustrate woman's interest in political affairs of her society. How wonderful it was when Umm Salamah said : "I'm with people" (*) where she considered the Imam's speech to people directed to both men and women and not only to men. Likewise, how faithful it was when Fatema Bint Qays said (*) "Then, I went to the mosque, along with people." In addition, verse 195, Surat Al-A'raaf shows woman's participation in shouldering man's burdens in the Islamic missionary; immigration, being exposed to harm - doing - jihad and deserving the reward of good people and mujahideen (those taking part in wars). Muslim woman has convicted a belief contradictory with that of society and sovereignty, and faced persecution and torment, then she

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* See part I.
* See Chapter One.

migrated alone for the sake of her belief. She was also characterized by having interest in and awareness of general knowledge and provided council in some political issues.

There are also some Quranic verses reflecting woman's participation in hardships and calamaties, as Allah says : ***"Those who persecute (or draw into temptation) the Believers, men and women,..."*** Surat : Al- Borouj, verse 10), and His saying: ***"And those who annoy believing men and women undeservedly..."*** (Surat : Al-Ahzab, verse 58).

C- ***In the field of Education :***

To command good and forbid evil, one has to be aware of what he commands and its place in legislation as well as the nature of the evil which he/she forbids and its place in relation to other disobedience and interdictions. All that can be realized by study. Therefore, Islam has commanded woman to seek knowledge in different fields in order to be able to take part in and go deeper in the problems of her society by deep thinking and reasoning. Islam has also commanded her to avoid being hesitant or weak. Islam has shown respect to woman's reason and allowed her to express her opinion and defend her rights. Since woman accounts for one half of the society, she is responsible for populating the earth. It is doubtless that personal and social responsibility require knowledge so as to undertake such responsibilities.

Woman is responsible for everything commanded by Islam and this requires her to read in order to realize the principles of missionary, as it is indispensable for woman - according to Islam - to educate herself and increase her awareness.

Science truely is the mission of Islam, as the early verse in Quran commanded seeking education and knowledge of the universe created by Allah, Who sent Jibril with revelation of: ***"Proclaim! (or Read)! In the name of thy Lord and Cherisher, who created - Created man, out of a (mere) clot of congealed blood: Proclaim! Ay thy Lord is most Bountiful, - He We taught***

(the use of) the pen, -" (Surat : Al-Alaq, verses 1-4).

Islam has also shown that knowledge was his first thing that Adam learnt. In this connection Allah says : ***"And He taught Adam the nature of all things ..."*** (Surat : Al-Baqarah, verse 31). Also He says : ***(Allah) Most Gracious ! It is He Who has taught the Quran. He has created man : He has taught him speech (and intelligence).*** (Surat : Ar-Rahman, verses 1-4).

Therefore, Islam made the spreading of education for man and woman an obligation for social reform, as one of the principles of Islam is to put man and woman at equal footing regarding education. Islam commanded 1400 years ago that seeking education is a must for every Muslim male or female. It has also called upon woman to get as much education as she could. Allah says : ***"Allah will raise up to (suitable) ranks (and degrees), those of you who believe and who have been granted (mystic) knowledge."*** (Surat : Al-Mujadilah, verse 11). Thus Islam has regarded girl education as equal as boy education in investing talents and abilities in order to meet the need of the nation, and build its civilization on well-established sciences.

Science conforms with religion in all principles of lofty morals and education through the examples set by parents to their children. Allah says : ***"O ye who believe ! Save yourselves and your families from a Fire whose fuel is Men and Stones ..."*** (Surat : Al-Tahreem, verse 6), and He says : ***"Verily never will Allah change the condition of a people until they change it themselves (with their own souls)."*** (Surat: Ar-Ra'd, verse 11).

How could a woman save her family from hell without learning everything useful to her about life and afterlife, whether this takes the form of religious teachings providing her with her obligations towards Allah, or worldly teachings promoting her scientific and intellectual standard, which makes her more competent in participating in life ?

Education is a mainstay for improving woman's status, Islamic teachings are very clear in this and their application is

hindered only by ignorance of such reachings. Obliteration of women illiteracy in the countryside and generalization of Islamic culture and strengthening its authority, may help in treating all inherited deposits and in restoring the full rights of women without resorting to issuing any local or international laws.

In so doing, muslim woman excels others in her means of liberating herself from the past traditions, as she has owned this legal means (education) in the name of Islam itself for 1400 years. Islamic laws are clear cut, in this respect, i.e. muslim woman differs from others who have never had any local or world laws which can be taken as a legal means to overcome any obstacles and aspire to whatever she wants.

The education of woman is one of the components of her humanity in Islam, which is not granted by man or governments. The Quran is the best Source to manifest Islam's care for woman and her status, as the Quran is the supreme judge and source of legislation. Study of such legislations within their main sources is sufficient to demonstrate that Islam is a progressive religion.

Islam was so careful about women education that it exceeded free woman education to urge education of maidservants. It has also combined the reward of educating women with that of setting them free from servitude. In this connection, the Prophet (P.B.U.H) says : *"He who has a bondmaid and educated her well and set her free and then married her, he will have double reward."* [*] This is because an educated woman brings up an educated generation, whereas the ignorant woman creates a weak generation liable to fall an easy prey to addiction and delinquency. An educated mother's view to life is reflected on her attitude and style of educating her children. Consequently, she uses lenient strategies of education and shows excessive care of child's needs and interests. In this connection Aboul-A'ala Al-Maudoudy [(4)] states that : "Woman is responsible for educating children and making their home life more like an oasis of

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* This may also reflect Islam's encouragement for liberating bondmaids.

security, beauty and comfort. Thus woman should adorn herself with the best styles of education in order to perform such jobs".

Islam wants woman to be scientifically and intellectually qualified, having such personal traits that enable her to perform vital roles she undertakes as a mother, a wife and as a member in society. Therefore, woman has to believe in the scientific method of thinking and in the importance of modernity on the one hand and in adhering to the principles and assets of her spiritual belief on the other hand. She, therefore, has to deal with her children in terms of the requirements of such methodology, thereby, having effective roles in various fields.

D- *In the Field of work:*

If one has learnt something, one should make use of it . One should also be useful to one's people and society, as knowledge would be futile if it was of no use to its owner or others. The Prophet (P.B.U.H) says *"May Allah save us from useless knowledge".*

Work is the only means of conveying knowledge. Islam has never commanded woman with manual work, whether at home or out, lest this would be too hard on her, and has made hard work for men, as reflected in Adam's tale when Allah said to Adam and his wife warning them against Satan: ***"O Adam ! Verily this is an enemy to thee and thy wife : So let him not get you back out of the Garden, So that thou art landed in misery".*** (Surat: Taha, verse 117).

The address, here, is directed to Adam and his wife. Quran should have said: "Both of you will suffer", however, Quran has expressed this highly suggestive meaning, i.e. the suffering will be undertaken by Adam only.

Nevertheless, Islam has not excluded the woman from mental work but has also expressly assigned such work to her, as expressed in Allah's saying : ***"The Believers, men and women, are protectors, one of another : they enjoin what is just, and forbid what is evil ..."*** (Surat : At-Taubah, verse 71). This may include political activity to ensure the fairness and justice of the authority.

Thus, the woman may have the right to provid council, to object or to approve by means of supporting the political party or the trend whose principles are closer to realizing progress and good to the society. The woman may also practise the following rights :

- Voting for the candidate who can bear the responsibility of representing the nation, i.e. She may practise her right in voting for the most appropriate candidate.

- Nomination for political councils when she finds herself capable of representing her nation in a certain area or sector.

Good women are required to take part in the elections in order to face reckless women according to what occurs in Surat Al-Tawbah (verse, 71) ***"Believers, men and women, are protectors, one of another ..."***, where Allah says in the same Surat, verse 67; ***"The Hypocrites, men and women, (have understanding) with each other : They enjoin evil and forbid what is just..."***. Social and political need may be greater and more important than individual need hence women are licensed to go out to public life. Therefore, the woman should seek work as a value, since work is man's task on earth for the purpose of its population and continuity of existence. The real value of the human being is renewed by work, modest or simple as it may be. Big tasks are nothing but the sum of a big number of small jobs. Humanity would never move forward without more effort generated from faith in work, whether intellectual or manual. No wonder, then, that ***(work is worship)*** as it is always the path to the best.

Consequently woman should fully invest her time by being a useful and productive component in society. She should not be content with unemployment at any stage of her life; young or old or at any social status; married, divorced or widow. Thus, if she has extra time out of her household jobs, this should be invested in useful work; vocational or non-vocational.

Islamic sharia (law) has greatly honoured woman for her important role in society by assigning her family to maintain her before marriage and obliging her husband to do so after marriage.

This is the fair view that ought to be recognized by materialistic values. Since human production has a great value, the producer and educator of manpower (the woman) should be given an honourable life and material support for what she gives to the nation. In addition, any financial contribution required of her would be burdening and would express ingratitude for what she has offered her family and society.

Woman's manual work, should be optional or voluntary, work is an honour for man no matter how modest it might be. In all cases work is better than anticipating charity.

Most Important Motives for Woman's Work :

- Financial need, Due to loss of provider or wish to help him, raising family income in order to improve the standard of living or asisting a father or a brother in their lives.

- Society's need. The wish to reconstruct and serve society by investing talents in useful work.

- Spending leisure time by doing useful work.

.In fact none of the men-of-Islam has ever said that women should not work, except in the case of leadership as it requires great responsibilities that cannot be undertaken by woman. Being the Imam of Muslims or the army leader, needs firm leadership.

Al-Bukhari [(5)] related that: "But Islam is not stern about allowing women to work. Seeking work is sometimes necessary in case when she has nobody to provide for her or if she is obliged to work when the provider is very poor or has a low income, is sick or disabled. All these conditions have been carefully considered."

It was customary during the age of the prophet that women cared for the house hold duties and cared after animals. They also took part in war affairs, nursing and supplying the army with food and water. This shows that woman's work whether indoors or outdoors is admissible even recommended or considered an

obligation according to need. What makes work undesirable or prohibited is the misapprehension which turns work into something illegal, though it is in essence legal.

Women played a role in public life during the early years of Islam. The toughest of such roles was jihad (holy war). Their role in wars did not only include nursing the injured or providing water for them but they also carried the weapon, fought their enemy, did their best and were awarded things like military medals.

Stages of woman jihad at that time could be classified into three stages:

First Stage: Pre-war time was the stage of preparation and building an arsenal of women believers who preferred Allah and his Prophet to everything else. That included two things; immigration and paying homage to the prophet beside other jobs done by some women such as Asmaa Bint ABi-Bakr who went to the cave (see Chapter One).

Second Stage: The battle stage that included beating, stabbing and fighting as in the case of Umm Salim who had a dagger and Umm Emarah Alansariyah who left aside providing water and proceeded to fight side by side with men to protect the Prophet (P.B.U.H) in such a way that the prophet testified to her bravery (see Chapter One).

Third Stage: In the post-war stage where the battle came to an end, women did not show apprehension, despair or objection to Allah's fate and divine decree, but they showed complete contentment, as in the case of Alansariyah as related by Albayhaky and Ibn Ishaq : "Her father and brother died as martyrs in the battle of Uhud and also her husband. She said : how is Allah's messenger (P.B.U.H) ? (asking about his health). They said : "He is safe and sound". When she saw him, she said : "All mischieves are significant after you, Messenger of Allah."

There are other models of women who taught their kids the principles of jihad for the sake of honorable life such as Asmaa

Bint Abi Bakr who brought up her son Abdullah Ben Alzubair on the spirit of sacrifice and martyrdom. She cultivated this spirit inside him to die as a martyr. When he died and was crucified she used to go where his crucified corpse was (she was old and blind). She also went to the tyrant, Alhajaj Bin Youssef and whipped him with the most hurting words.

These were a few examples of honourable muslim women in the battlefield who should be a model to be followed by modern women in their energy and sacrifices. A woman is an educational institution if she is well-prepared.

In addition, women are on a par with men in certain religious, social and economic matters, such as faith in Allah, and maintaining the interest of society as well as respecting its limitations and laws. Women are equal to men in maintaining Sharia (The revealed law of Islam) such as protection of religion, self, money and mind. Women also have the right to have a fortune, to earn their own money and to spend it since their right to contribute to society welfare is quite clear. This depends on her ability to offer as reflected in Allah's saying : **"... to *men is allotted what they earn, and to women what they earn ...*"** (Surat ; Al-Nissa', verse 32), and His saying : ***"From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, -a determinate share ..."*** (Surat An-Nissa', verse 7).

Addressing men and women on equal footing is the general rule in Islamic legislation. Islam wants active women in every field they can contribute to, and not the kind of idle women.

This does not mean that woman and man have become completely on a par with each other, as the following verse explains, ***"And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others ..."*** (Surat : An- Nisaa', verse 32). Thus equality does not require denial of the laws of nature and negligence of natural differences, since creation has endowed every sex with special

qualities and granted each its own way and also armed each of them with whatever needs it requires.

It is doubtless that some jobs are peculiar to man and some are peculiar to woman. The kind of work that might expose women to health or moral dangers is unsuitable for them. It is preferable to her to take part in certain fields, for example, in the medical field since protection of souls is one of the objectives of Sharia and the necessities of life. Woman can also have a role in nursing children and women. This, in fact, is not an easy job in society. The woman can also have a role in public life such as the field of social service, in guiding, directing and educating housewives so that they can perform their tasks properly. In that way women may contribute to developing the nation and raising its health, cultural and social standard. In the field of child education, woman has proved more competent than man, especially during nursery stage and the early years of the child's life.

Social activities are numerous and a person perfects the ones which agree with his nature, abilities and talents. Specialization in professions and jobs is one of the best achievements done by man in this age. Specialization is mainly based on instinctive talent which man has been endowed with in addition to practice which develops that talent.

When an educated woman becomes fully aware of her role as designated by Islam, she would be able to participate effectively and become aware of the things that she has to take part in or keep away from.

Such is a matter that women should put in mind when considering duties and obligations. This can only be realised through culture and awareness. Yet Muslim women should not be dazzled by the kind of work available for women in other societies and which in fact do not go with the female nature either for being violent or hard to do .

When woman attains this kind of culture, she can assume her proper status in building her society within her limits as a human

being having the ability to work in and outside home. When any work conflicts with her primary task, she will be wise enough to play her role in building the society. In so doing, woman would set an outstanding example based on effectiveness and positiveness according to Islamic faith and its civilized experiment.

E- In the field of Mixing:

If Islam has obliged woman to enjoin what is right and forbid what is wrong, and allowed her to practise her right to manage her own money and sign contracts, then the practice of such jobs requires woman's participation in public life which, means woman's mixing with men in society in a way as to enable her do such jobs provided that woman and man keep to the morals of such mixing,

Moderation is one of the general characteristics of Islam as there is no excessiveness nor negligence. This means there should be neither open mingling nor isolation of woman as it used to be in backward ages.

Early Muslims who had strong faith in Allah and the legislations of the new religion, were well- aware of the meaning of Allah's saying ; ***"Thus have We made of you an umma (nation) justly balanced ..."*** (Surat : Al -Baqarah, verse 143). This is to be witnesses on people by establishing justice and by being moderate in enjoying both the materialism of life and spirituality of the after life.

Men cannot do without women in life and vice versa ***"one of another".*** Thus responsiblities of life are common among them. Therefore, nobody can imagine that men can live alone away from women, unless they deviate from nature and abandon life. Life is based on the cooperation of both sexes in all life affairs, ***"The Believers, men and women, are protectors, one of another ..."*** (Surat : At-Taubah, verse 71).

Societies which allow free mingling of both sexes under the false motto of freedom, are now suffering from the dangers of

such open mingling. People of these societies have now realised the dangers of absolute free mingling. They might have now come to realize the rationale behind moderation and the dangers of uncontrolled sexual desires that lie in deadly diseases such as AIDS and in confusion of lineage. Islamic Sharia is keen to protect man from deadly diseases and to secure honour and proper lineage.

Islam has ordained women's participation in social life and women's meeting with men but within limits, restrictions and manners in such a way that this participation would be useful to society. Thus, there is no veiling in the sense of imprisonment or intimidation. Veiling implies no obstacles to women's freedom, but it is a protection against exhibitionism and vice.

F- ***In the Field of Guarding Morals :***

Islam is unique in preserving the femininity of the woman against being equivalent to "seduction". A woman may otherwise be led to losing her dignity or murdering her humanity in which case a woman may dehumanize herself or abandon her brotherhood to man to be a mere commodity in the hands of evil people who turn her into a tempting object to men who may enjoy her for a time and then throw her whenever and wherever they wish. This image is in line with the state of woman during the pre-Islamic age as she was one of man's possessions whom he cherished when he needed and insulted when he lost interest in her. But Islam wants her to be of honourable manners, and unrelenting chastity.

Islamic civilization is distinguished from others in that it cares for the values of chastity and maintains lineage of kinship and stability of the family, where the woman knows her first task in society as a mother and a housewife, which helps in building the family and its continuity. The children would then grow up in a loving and cooperative atmosphere. Society is built up of families. The family being the basic brick in the structure of the society, teachings of Islam are so much keen on fortifying the

family against weakness and dissolution. In so doing, Islam has honoured woman by not leaving her prey to the interpretations of inclinations and lusts, and made her relation with man one of dignified marriage and honourable family bonds.

Islam advocates a life style in which society lives in chastity and cleanliness. Thus, it has legislated manners of getting permission even in the most delicate circumstances of personal privacy. Allah says ; ***"O ye who believe ! Let those whom your right hand possess, and the (children) among you who have not come of age ask your permission (before they come to your presence), on three occasions : before Morning prayer; the while ye doff your clothes for the noonday heat; and after the late-night prayer ..."*** (Surat : An-Nour, verse 58).

To provide protection for woman against sins and seduction, Islam commanded refined manners in entering houses and set some laws regulating it, as Allah says : ***"O ye who believe ! Enter not houses other than your own, until ye have asked permission and saluted those in them ..."*** (Surat: An-Nour, verse 27).

Islam has also warned people against fault - finding as in Allah's saying : ***"... every act of hearing, or of seeing or of (feeling in) the heart will be enquired into (in the Day of Reckoning).*** (Surat : Al-Isra', verse 36).

Islamic civilization is intermediate between mad occidental liberalism and human conservatism in the Islamic east.

Islam has recognized woman's personality as western civilization has, but Islam rejects dissolution and moral degradation which have accompanied woman's activity in the West. Islam maintained the status of woman and her social personality and set rigid restrictions against vice, considering adultery as akin to polytheism. Islam has decreed woman's decorum and prohibited any meeting between man and woman that may end in vice, as a sign, showing respect of woman's dignity and humanity.

Islam is against using woman as a means of excitement, dissolution or cheap pleasure, and thus it has commanded woman to keep her decorum, decency and manners while mixing with men. This decorum applies to her clothes, make up walking, movements, and speech in order to give an impression of seriousness. This is reflected in Allah's words : ***"And make not a dazzling display, like that of the former Times of Ignorance ..."*** (Surat : Al-Ahzab, verse 33).

This verse reflects that dissolution was one of the characteristics of early Pre-Islamic ages and not a sign of progress as some people may believe.

G- <u>In Cherishing her Femininity and not Imitating Men :</u>

Islam wants woman to know and feel that her femininity is not a defect, but is a part of human life .equivalent to the manhood of man because life can never go on with only one of them. Therefore, a woman should be careful about the perfection of her femininity which makes her a full woman. This entails that women should not imitate men, since this may spoil human life and turn it into a waste land where man's and woman's tasks are fully obstructed. Islam wants women to know, feel and be content that Allah has created male and female and has given each his/her distinctive features. This dissimilarity between man and woman is a complementary element of good human life. Allah says : ***"And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others ..."*** (Surat : An-Nissa', verse 32). Thus, Islam wants women to maintain this distinction as best as she can, as this emphasizes her love for her humanity that Allah has endowed her.

The innate characteristics of man and woman are stabilized and polished by practicing their respective jobs in life. Without this practice or if any of them did the other's task or part of it, he/she would acquire some features of the other. In the meantime his/her personal characteristics may shrink. Then, one's life would not be as normal as it used to be; a woman would not be a man

nor would she even stay as a woman. She would be some sort of distorted figure and a subject of conflict between the remaining parts of her nature and the newly acquired characteristics. Similarly, society will be affected by the absence of the delicate role of woman, as Allah has made her an abode (amity and mercy) for the husband.

On the other hand, Islam wants woman to be fully aware of the rights given to her by Allah. Just as deviation from what Islam wants woman to be occurs as a result of woman's imitation of man or man's imitation of woman, deviation may also occur from exaggerating the distinction between man and woman and the negligence of the fact *that women are parts of men* as expressed by the Prophet (P.B.U.H). This deviation may rob woman from every human feature she shares with man, such that she becomes a second or third class human being thereby, wasting her dignity and stamping out her personality. Consequently, She would not have a free will nor be able to participate in social or political activities. Thus, woman would look as if she were a disabled creature and not a perfect human being to whom Islam has decreed certain features to distinguish her personality and has given established rights [*].

* See Chapter One for such rights.

Conclusion

Women Should be worthy of Confidence Granted her by Islam

Woman's rights are granted to her by Allah, However, she should do her best to be trustworthy of Islam's confidence in her, and to make the best use of these rights. It is obvious that woman's rights outweigh her obligations.

Islam has given woman the right to choose the man who deserves her, and warned parents against denying their daughter this right. However, the girl's freedom in choosing her would-be-husband does not mean that she should not ask her parents' advice and permission especially at a certain age in her life. This is due to the fact that family's responsibility for the young lady is a social necessity. There are also family manners which govern such behaviour. The wisdom behind this is that marriage should enjoy the consent of all the parties concerned. It is also to ensure that a woman would not be under the mercy and dictatorship of her husband, if she married without her parents' permission.

Islam has also given women the right of Khul' (divorce at the instance of the wife, who must pay a compensation) as opposed to man's right of divorce, though both divorce and Khul' are the most abominable of legal deeds to Allah. However, woman should not make use of this right, which might bring about serious effects on her children. She has to be patient according to Allah's words : ***"Those who patiently persevere will truly receive a reward without measure"*** (Surat : Al-Zumur, verse 10). She should regard the circumstances surrounding her and ask her people's advice and so should the man.

Islam has also given woman the liberty to run her fortune at legal age exactly like man. Thus, she has the right to manage her own money without any guardianship and nobody can manage her money without her permission even if it is her husband or father. In addition, she is not responsible for her own sustenance

as it is the husband's responsibility; yet she may willingly give a hand in supporting the family, especially when the husband has difficulty fulfilling the family needs.

Woman's Voluntariness: If the husband is unable to sufficiently provide for his family, the financially- capable wife could readily help the husband. Such shared responsibility is a way of showing cooperation especially if the husband is poor. Zainab, Bin Masoud's wife, is case in point(*).

Islam has also granted man and woman equal rights within the family, as expressed in Allah's saying; ***"And women shall have rights similar to the rights against them, according to what is equitable..."*** (Surat: Al-Baqarah, verse 228). Relieving conscience and power of oath are examples of that : ***"And for those who launch a charge against their spouses, and have (in support) no evidence but their own, - their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth ! and the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But It would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie"*** (Surat : An-Nour, verse 6-8). A woman will be greatly rewarded by Allah if she abides by straight forwardness and obedience to her father and husband, as Allah says : ***"Therefore the righteous women are devoutly obedient (to Allah), and guard in (the husband's) absence what Allah would have them guard ..."*** (Surat : An-Nissa', verse 34).

She has also the right to be educated, to work and to have a social status. Asmaa the daughter of Abu-Bakr sets a good example to be followed. She used to work and at the same time respected the feelings of her husband who was a very jealous man. She apologised to Allah's messenger for not riding behind him while returning from work in her husband's land, as a sign of

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* See Part One for such facts.

respect for the jealous feelings of her husband (*).

In addition, Islam wants woman to be aware of all advanced sciences, which requires her to have an effective role in life. Both woman and man are invited to socialize with people, build the universe, enjoy Allah's permissible boons , since those who withdraw from society are not fit to set up a civilization or populate the universe.

Women in Islam are part and parcel of the women in advanced countries; so they have to get their share of civilization. Nobody can deny that Muslims are still lagging behind, however, the defect lies in them not in Islam, as Islam requires woman to share man in restoring the glory of Islam. This has to be realized by true understanding of Islam by reffering to its original sources, i.e. the Quran and Sunna (Prophet's traditions). This will help in following the spirit of Islam in knowledge, work, civilization, progress and combining heritage with modernity.

At this point the book comes to an end. The writer hopes that she has been able to explain some of the privileges granted to women by Islam. Women before Islam were helpless and deprived of their rights yet under the mantle of Islam, they have been given wings to soar up in the world of humanity and ideals.

The writer hopes that she has also clarified some of the achievements of Muslim women as a way of showing their gratitude to Islam and sincerity to its principles and goals, which eventually testify to the magnificence of Islam as well as to the magnificence of the Muslim woman.

And our last invocation is: praise to Allah, the lord of the worlds.

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* See Part One.

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